

THE
MAGISTRATES
AUTHORITY

In matters of
RELIGION
ASSERTED.

O R
The Right of the State in the
Church.

A Discourse written in latine by
HUGO GROTIUS: Englished by
* C. B. M. A.

London Printed for *Joshua Kirton* at the
Kings Armes in *St. Paul's Church-*
yard 1655.

*Clement Barksdale. M.A.



Upon the Author, and his
principall Works.

HE, who the Greek wise Sayings did translate,
With equal Pen, to Latium: Vindicate
From Jew, Turk, Pagan, our Religion's Truth;
As learned as the *Agid*, in his Youth:
He, who th'*Hollandian* States Piety
Presented unto every impartiall eye:
Who, in the Lawes of Peace and War, all Nations
Hath well instructed: And, in's Annotations
On the whole Book of God, hath made: that light
Shine to unprejudiced mindes more bright:
He, that was studious, how to reconcile
This and that Church, in mild *Cassanders* stile:
Hath shown, what doctrine was *Pelagius*;
Who's older, *Calvin* or *Arminius*;
Is ever like himself. Here (which is much,)
He's Moderator 'twixt the State and Church;
And clearly shews you, when you may prefer
To th' Ancient Bishop, the young *Presbyter*;
And when that new Invention may please,
By Elders Lay, to give the Pastor ease.

We've set it out with just Care; lest we might
Wrong th' Author, who hath done the State such
(Right.

C. Barks=
=dale.

W. J. Deane. Had. High. Suff. 1789

THE MAGISTRATES AUTHORITY

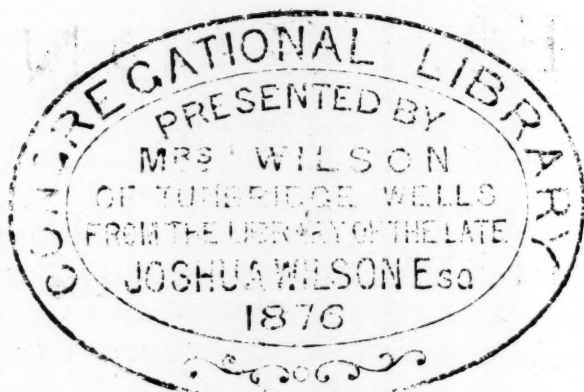
In matters of
RELIGION
ASSERTED.

OR
The Right of the State in the
Church.

A Discourse written in latine by
HUGO GROTIUS: Englished by
* C. B. M. A.

London Printed for *Joshua Kirton* at the
Kings Armes in *St. Paul's Church-*
yard 1655.

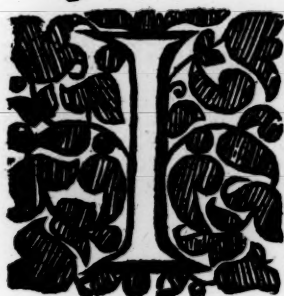
* *Clement Barksdale. M.A.*





To the Illustrious Pair,
my Lord, and my Lady
CHANDOS.

Right Honourable,



T is the Great Name of the Author, not any worthiness of the Translator, that gives this Book a capacity of so high a Dedication. The Author, born in a low Countrey, hath, by his excellent works, both Divine and Humane, raised himself to the just Repute of the most General, and the wisest Scholar of his time; So that, it is become a character of an Ingenious Student (as it was said, in the last Age, of his Country-man, the Great Erasmus) to be well versed in the Books of Gro-tius. Out of whose Magazine, our best English Writers, to their praise, have borrowed some of their best furniture. The Argument of this Work is worthy the study of Princes, and Great Persons; From whom, certainly, God expects a greater care of his

The Epistle Dedicatorie.

Churches Peace and Order. To which purpose, the Grave Author hath here said, some things first of all; some, with a better Grace than any other; and some, that although they have been said very well by our own Men, yet perhaps will be better taken (as the English humour is) from the Pen of a stranger. The Translator's Designe is, partly publick, in this scribbling Age (wherein yet, we have need of more good Books, to Out the many bad ones) to cast in his Mite into the Treasury of the Church of England: (whom, as the Moderate Author much honour'd, so He professeth himself to be one of her poor Children:) partly private, by this Dedication of it with Himself to your Honours, to leave a Gratefull Monument (and a lasting Monument, he hopes) in those Gracious Hands, that have supported him, in his worst and weakest Times. May Your Honours Both live to see the Publick Breaches, both of Church and State, fairly made up; and particularly, the Ruines of your Sudely: And, may Your illustrious Names and Vertues live after you, and be increased in your Children, So prayeth,

Right Honourable,

Sudeley, Jan. 6.

1651.

Of all your Servants
the most obliged,
the most humble,
BARKSDALE.



THE CHAPTERS.

- I. **T**hat Authority about Sacred Things belongs to the Highest Powers.
- II. That this Authority and the Sacred Function are distinct.
- III. Of the Agreement of things Sacred and Secular, as to the power over them.
- IV. Objections against the Powers Answered.
- V. Of the Judgement of the Higher Powers in Sacred things.
- VI. The manner of using this Authority rightly.
- VII. Concerning Synods, or Councils.
- VIII. Of Legislation about Sacred things.
- IX. Of Jurisdiction Ecclesiasticall.
- X. Of the Election of Pastors.
- XI. Concerning Offices not alwayes necessary.
- XII. Of Substitution and Delegation.



C

Th



En
H
ke
ha
bo
pe
fo
on
on
K



HUGO GROTIUS,
Of the Empire, or Authority
of the Highest Powers about
Sacred things, or, in matters
of Religion.

CHAP. I.

*That Authority about Sacred things belongs
to the Highest Powers.*

BY the *Highest Power*, I understand a Person, or a Company, that hath Empire, or Authority, over the People, subject to the Empire of God alone: taking the word *Highest Power*, not, as it is sometimes taken, for the Right it self, but for Him that hath the Right, as it is frequently used both in Greek and Latin. To call such a person, *the chiefe Magistrate*, is improper: for *Magistrate* is a name the Romans give only to inferiour Powers. I said a *Person*, or *Company*; to expresse, that not only *Kings* properly so called, which most

i. The
state of
the ques-
tion.

B

Wri-

Writers call *Absolute Kings*, are to be understood in that name, but also in an Aristocracy the *Senate* or *States*, or the *Best*, or whatsoever other name. For although there must be *Unity* in the Highest Power it is not necessary the Person be but One. By *Empire* or *Authority*, we mean the *Right* to Command, to permit, to forbid. We say, this is subject only to God; therefore it is called the *Highest Power* because among men it hath none above.

2. An Argument, from the Unity of the matter, proved by Scripture. Rom. 13. 4.

Pro. 20. 8.

Co'. 3. 20.

That Authority about Sacred things belongs to the Highest Power thus defined, we prove, First from the Unity of matter about which it is conversant, *Pro. 20. 8. He is the Minister of God, a revenger to execute wrath upon him that doth evil.* Under the name of *Evill*, is comprehended also all that which is committed in Human things; for the Indefinite speech signifies as much as the Universal, which *Solomon* hath expressed: *A King that sitteth in the throne of Judgement scattereth away all evill with his eyes.* This is confirmed by *Similie*; for the Authority of a Father is lesse than of the Highest Power, yet *Co'. 3. 20. Children commanded to obey their Parents in all things.* Thus doe the antient Fathers also reason, when from that of *Paul* *Let every soule be subject to the Highest Power*

Powers, they infer, that the Ministers of Holy things must as well be subject to them, as other men: *although he be an Apostle, although an Evangelist, although a Prophet, saith Chrysostom.* Whose footsteps Bernard following, speaks in these words to an Archbishop: *If every Soule, yours also: who hath excepted you from the Universall?*

And truly there can be no reason given why any thing should be excepted; For, if that which is excepted be subject to no Authority at all (which who can prove?) there will follow confusion among the things exempted, whereof God is not the Author: or, if it be subject to some other Authority, not under the Highest Power, there must then bee two Highest Powers distinct: which is a Contradiction; for the Highest hath no equall. By this same Argument the Fathers disprove the multitude of Gods, because that which is *Highest* is above all, and can be but *One*.

This is further prov'd by the Effects of Empire or Authority; these are *Obligation* and *Coaction*; now if there were more Commanders in Chiefe than one, their Commands might be contrary about the same matter, and so impose upon the Subject a contrary obligation or coaction;

Authority about Sacred things

which is against nature ; And therefore as often as it happens that two Lawes oppose each other by reason of some circumstance, the obligation of the one ceaseth. This is the reason why the Paternall Empire, which is naturall and most antient, hath given place to the Civill, and is subject to it, because that which should be Highest could be but *One*.

Object. If any man shall say, that Actions are divers, some Judiciall, some Military, some Ecclesiasticall, and so in respect of this diversity the highest Authority may

Answr. be divided among many ; it will follow according to his saying, that the same person being at the same time commanded by one to the Court, by another to the Camp, by the third to the Church, is bound to obey them all at once, which is impossible, or, if not to obey all, then there must be some order among them, and the inferior yeeld to the Superiour, and then 'twill not be true, that the highest Authority is divided among them. To this purpose are those words of the Divine wisdom, *No man can serve two Masters ; and, A kingdome divided cannot stand ;* and that common saying, *All Power is impatient of a Partner.*

'Tis otherwise in Authorities which are under

under the Highest: for these may belong to Many, because they are exercised about divers persons; or, if about the same persons, they are so ordered by the Supreme, that they may not clash. Which ordination cannot be when many are, every one, supreme; for the ordaining must be Superior to the ordained.

To that which some object, that Kings *Object.* cannot command some things without the consent of the States; We answer, where *Ans.* that is so, there the supreme Authority is not in the *Kings*, but either in the *States*, or in that Body, which the King and States compose. Certainly, to have the whole Supreme Authority, and not be able to command any thing, because another may forbid or intercede, are altogether inconsistent.

From this Universality of the matter about which the Highest Power is employed, the Art of governing is justly called the Art of arts, and Science of sciences: because there is no Art, no Science, which it doth not command, and whereof it doth not teach the Use.

The Universality of the end is correspondent to the Universality of the matter. The Apostle *Paul* saith, the Highest Power is Gods Minister for good; of every

4. An argument from the Universality of the end, proved by Scripture.

fort: For explaining himselfe else-where more distinctly, he shewes, the Powers are
 2 Tim. 2. 2 ordained, *that we may lead a quiet and peaceable life, not only in all honesty, but in all godlinesse also.* This indeed is the true Happinesse of a Common-wealth, to love God, and be belov'd of God; to acknowledge Him their King, and themselves his people, as *Augustin* saith well: who all saith, *The King and Rulers are happy, if they make their Power serviceable to the divine Majesty, for the propagation of his Kingdom, and encrease of his Honour.* Emperours themselves, *Theodosius* and *Honorius* have professed thus, *Our Labours of War and Counsells of Peace, are all directed to this only end, that our people may serve God with true Devotion.*

§. And by
 Philo-
 phy.

In fine Eu-
 dem.

And this that is so clearly demonstrat in holy Writ, was not altogether unseen to those that had only the light of Nature; in *Aristotles* judgement that is the best Common-wealth, which shewes the way to a most vertuous and happy life; and the same Philosopher affirmes, that is the most happy way of life, which leads directly to the knowledge and service of God, the contrary whereof is most unhappy.

Now, if this be true, that the end proposed to the Highest Powers, is not only external

externall Peace, but that their People may be most Religious; and the things conducing to that end are called *Sacred*; it followes, that these things are all included within the Command and Authority of the same Power; for the End being granted, a Right is granted to all that, without which the End cannot be obtained.

To these Arguments drawn from the very nature of the thing, shall be added the most sacred and certain Authority of the Law divine. Kings are commanded to *Keep all the law of God, to serve the Lord, to kiss the son.* This being spoken to Kings, not as *Men* (for so it would not concern them more than other men) but as Kings, it followes, some royall act is required of them, that is, the use of their Authority in matters of Religion. I had rather explaine this in *S. Augustin's* words, than my own: *Herein doe Kings (as they are commanded by Him) serve God as Kings, if in their Dominions they command things good, forbid evill; not only in respect of humane society, but the worship of God also. And in another place; The King serveth God, as a man, as a King; as a man, by a godly life; as a King, by godly Lawes. As Ezechias, by destroying the Groves, and Temples of the Idols; and as Josias served God, in the like*

6. The right vindicated by direct authority of Scripture, Deut. 17. 19. Jos. 1. 8. Ps. 2. 12.

manner: doing those things for the honour of God, which only Kings can doe. And this
is that royall noursing of the Church,
which by the Prophet God hath promised.

7. By the
 consent of
 the anti-
 ent Chri-
 stians;

After the Divine Law, follows in its order the Custome of the Church, and the Examples of Emperours, whose Piety is out of question. That all They used their Authority in sacred things, will appear in all the particulars that shall be handled. In short, *Socrates the Historian hath told us, Ever since the Emperours became Christian, the affaires of the Church depended upon them. For the Church, saith Optatus, is in the Common-wealth, i.e. in the Roman Empire: not the Empire in the Church. Constantine in an old Inscription is call'd the Author of faith and religion. Basil the Emperour, styling the Church an Universall Ship, saith, God had placed him at the Sterne to govern it. In that antient Epistle of Eleutherius Bishop of Rome, speaking of Religion, He entitleth the King of Britain, God's Vicar, in his own Dominion. And Charles the Great, is nam'd, The Restor of true Religion, by the Council of Ments.*

8. And of
 the Re-
 formed.

That the Churches reformed, in our Fathers time, after the antient pattern, are
 of

of the same judgement, their Confessions witnesse. It belongs to Magistrates not only to be carefull of Civill Polity, but to endeavour that the Sacred Ministry be preserved, and the kingdome of Christ propagated : that the Gospell be purely preached, and God served according to his holy Word. So the *Belgic*, Let the Magistrate hold fast the word of God, and see that nothing be taught contrary to it. So the *Helvetian*. This office was enjoin'd the Heathen Magistrate : to take care that the name of God be duly honoured, how much more belongs it to the Christian Magistrate as the true Deputy of God in his Dominion. So the *Basil* Confess. Yea, the English Church denounces Excommunication against them that deny the King of *England* that Authority in Ecclesiasticall affaires, which was used by the Hebrew Kings. 'Twould be tedious to transcribe what hath been written in defence hereof. Besides the Divines, all the writers of Politie, that are worth the reading, have given account of this, not only as a part, but as the principall and best part of the Imperiall Right.

Neither have only the antient Christians and late reformed, but other Nations also, deliver'd this with so great consent, 9. And of the Heathens, that

that 'tis most manifestly the very voyce of the
 right reason, common to all man-kind,
 and being derived from the most antient
 before the depravation of Religion, by
 long Succession hath been deliverd to their
 Posterity. *The first care in a Common*
wealth is about things Divine, thus *Aristo*
tle; and *Plutarch*, *This is the first thing in*
making Lawes: It is fit, saith he, the Best
 should be honour'd by the best: and He that
 ruleth all, by him that ruleth. The most
 ancient Law-givers, *Charondas* and *Zaleucus*
 approv'd the same by their own exam-
 ple: and the twelve Tables, the Fountain
 of the Roman Law, derived from the
 Greeks, contained sundry Precepts about
 Sacred things. *Iustinian* and *Theodosius*
 have Lawes concerning Religion, in their
Codes: and *Ulpian* defines the wisdom of
 the Law, to be the knowledge of things Di-
 vine, as well as Humane. *Suarez* himself
 confesseth, It hath been alwayes observ'd
 among men, though particular offices, Ci-
 vill and Ecclesiasticall, were given to several
 persons, because the variety of actions re-
 quired that distinction, yet the Supreme
 Power of both, especially as to making Lawes,
 was seated in the Prince; and so it appears
 by Histories, that unto Kings and Empe-
 rours, in the City of Rome, and the Empire,

this Power was ever given The same is also probable of other Common-wealths. Generall Custome, saith the same Schoole-man, declares the institution of Nature.

Indeed Thomas and Cajetan seem to have thought, all the care of Law-givers in those Nations to have regarded only the publick Peace. But this, thus precisely taken, is very hard to be proved, and scarce credible. For the Christian Fathers doe prove most evidently, that the Greeks of old believed, Rewards and Punishments after death to be reserved for men, by divine Judgement. That they thus believed, and other Heathens too, there are very many Testimonies of most faithfull Authors. Why then may we not believe this end was look'd upon by some of their Law-givers? especially, when Austin saith, 'Tis not to be doubted, very many beside Abrahams Family, although the holy Scripture mention only Job, and a few more, did believe and hope in Christ to come.

10. With respect unto eternall happiness;

But besides that end (eternall happiness) the prime and principall, this also is a just cause for the Highest Powers to take Religion into their charge, the great Consequence it hath to outward felicity and concord: and that for two reasons; the first in respect of Gods providence; for piety hath

11. And unto temporall prosperity.

Mat. 6. 33. hath the promises, not only of the future, but of the present life. Seek first the kingdom of God, and all other things shall be added unto you. And in the old

12. Which follows true Religion by vertue of divine Providence.

Law of the Hebrewes, a prosperous Reigne, fruitfulness of the earth, victory over enemies, are proposed to the godly; to the ungodly are threatened most grievous curses. Nor were the Gentiles ignorant of this, no not after they had departed from the one true God unto their Idols. *Livy* saith, *All things fall out luckily to those that worship the Gods, unprosperously to the despisers of them.* In *Plato* there is much to this purpose. For Christian writers, take only that of *Leo* to *Martian*, *I rejoyce that you are studious of the Churches peace: and this shall be your reward; the peace you give to the Church, your Empire shall partake of.*

13. And by its own nature; in respect of Morall Precepts, and doctrines, and rites.

The other reason is, from the nature and proper efficacy of Religion, which is of force to make men quiet, obedient, lovers of their Country, keepers of Justice and Equity; and where the people are so well disposed, the Common-wealth must needs be happy. Hence *Plato* calls Religion *the fortresse of Power, the bond of Lawes and good Discipline*; *Cicero*, *The foundation of humane Society*; and *Plutarch* sayth, *The*

the City may more easily be built without ground, than the Citizens preserv'd without a persuasion of the deity. Cyrus in Xenophon thought his household would be the further from any evill enterprize against him or one another, the more they feared God: and Aristotle notes, that Subjects doe most esteem and trust the King, whom they believe to stand in awe of the divine power. Even false Religion conduces somewhat to outward peace; and the nearer it comes to truth, the more it prevails to that end; but for Christian Religion (to let passe the testimonies of her friends) the adversaries have given it this praise, That it binds men with a holy tye, not to commit stealth or robbery, not to break their word, or faile in their trust, as Pliny speaks; That it teacheth nothing but what is just and gentle, as Ammianus Marcellinus; that it is a persuasion which destroys all wickednesse, as it is in Zosimus.

Nor is this the effect of Religion, in that part only, where it prescribes a rule for manners, and strengthens it with threats and promises: the Doctrines and Rites also have no small moment to the furthering of good life, and advancing the publick happinesse. *Xenophon* perhaps thought it was a witty conceit when he said, T'was
all

all one, as to manners, whether we believe God corporeall or incorporeall: but Truth it self hath taught us otherwise, when from this, that *God is a Spirit*, is inferr'd, therefore *He must be worshipped in spirit*. *The most vertuous mind* (as *Seneca* also acknowledgeth) *is the best worship and most acceptable to God*. So doe even the Philosophers teach, that no foul deed is to be committed, because God is every where present: and because God knowes all that shall come to passe, they shew that nothing shall befall good men, but what shall turne to their benefit. *Tiberius* was the more negligent of religious duties (as *Suetonius* hath it) being perswaded, all things were carryed by Fate; and it was not in vaine that *Plato* said, *If you would have the State goe well, you must not suffer any one to teach, that God is the cause of Evill deeds*; which to say is impious, and therefore to the Common-wealth most pernicious. The same *Plato* shewes at large, that it is of much concernment, what rites are used, and with what mind, in the second Book of his Republick; where he setteth down the harme those Ceremonious expiations doe, by the use whereof without amendment of life, men hoped for pardon of their wickednesse.

Other

Other causes, but lesse principall, might be added; for which the highest power cannot relinquish the command over sacred things, without the very great hazard of the Common-wealth; for some Priests are of such a nature, that unlesse they be kept under, they will be above you: & the superstitious multitude do more hearken to their Preachers, than their Governours. Kings and Emperours have learned this at their cost, and the Annals are full of examples. One thing more for conclusion; the experience of all ages tels us, that change in Religion, even in Rites and Ceremonies, if it be not with consent, or manifestly for the better, often shakes the Common-wealth, and brings it into danger. Wherefore unlesse that curiosity be restrained by Lawes, the State will often totter. For these last reasons, there are some even in the Roman Church, that submit the Priest (though by them otherwise exempted) to the Power of the Prince.

14. More
reasons
added.

C H A P. II.

That the Authority or Rule over Sacred things, and the Sacred Function, are distinct.

Aristotle teacheth very well, that it is not the part of an Architect, as an Architect, to set his hand to the worke, but to prescribe, what every one shall doe, as right reason shall direct him; and what he shall rightly appoint, the workmen must rightly execute: So it is the Rulers office, not to doe the things commanded, but to command them to be done. But the Functions under command are of two sorts: some are subject both *by nature and order*, as effects proceeding from their cause; some *only by order*. In the former way under the Architect are the Overseers of the work; in the latter the Carpenter, the Smith, and other Labourers. So also, to the Authority of the Highest Power are subject in the former way the offices that have in them Authority and Jurisdiction, as the office of Major, Governour of a town, and the like. In the latter way the Function of a Physician, Philosopher, Husbandman and Merchant. Wherefore they fight with their

7. All Functions are under Command.

8. Some by Emancipation.

their own shadow, who take great pains to prove that the Pastors of Churches, *as such*, are not the Vicars or Deputies of the Highest Powers; for who knows not that, when Physicians neither can without mistake be stiled so? But that the same Pastors, as they receive some Authority or Jurisdiction, beside their Pastorall office, *in respect of that accession*, may be called Deputies or Delegates of the Supreme Powers, shall be shewed hereafter. Wherefore when the Learned Deane of *Lichfield* proving that Priests are not therefore Superiour to Kings, because Kings are commanded to aske Counsell of them, uses this example, *that Kings advise with their Counsellours of State, who yet are not their Superiors*: They misunderstand him, who take his meaning to bee, that these doe agree in all respects, when 'tis sufficient for a similitude, that there be a correspondence in the drift of the speech: otherwise even the Parables in the Gospel will be expos'd to censure. Pastors are rightly compar'd to the Civill Officers, in respect of the *subordination* not the *emanation* of their Office. The Civill Officers are both Subjects to the Highest, and Deputies; the Pastors, as such, are only Subjects, not Deputies.

3. The Supreme Authority, and the Sacred Function, united in the same Person, by the Law of Nature.

The Authority over the Function, and the Function it self being distinguished, we must enquire, Whether that Authority, and the holy Function may be united in the same person. Whereunto that we apply a fit answer, a difference must be made between the *Law of Nature*, and *Positive divine Law*. By the naturall Law, the same person may have the highest Authority and the Priesthood too: because these have no such opposition, but they may meet in one man. Nay more, set aside the Positive Law, and some externall impediments, it is, in some sort, naturall, that the same Person be both King and Priest; not so naturall, as that it cannot be otherwise, but as those things are termed naturall, which are well agreeing unto nature and right reason. For seeing Kings, whose Dominions are not of the largest, may easily joyne some peculiar Function to the care of their Kingdome, as we have known Kings to have been Physicians, Philosophers, Astrologers, Poets, and very many Commanders in War; and seeing, no Function is more excellent, and whence doe flow down upon the people so many benefits, as the Priestly Office; it appears, that this, above all other, is most convenient

nient and worthy of a King. The consent of Nations doth evince it: for in the first times, when men were govern'd more by Domesticall than Civill Power, the Fathers of families, as all confesse, did both represent some Image of Kings, and per-
 forme the Priesthood also. Thus *Noah* after the Floud was past, offers sacrifice to God. Of *Abraham* God himself saith, He would *instruct his Children and Family* in the course of a Godly life. We read also of the Sacrifices of *Job*, and o-
 ther Patriarchs. After the Fathers de-
 cease, as the Principality of the Family, so the Priesthood too was devolved to the first borne, and that custome continued in the posterity of *Jacob* (for as yet they had no Common-wealth constituted) untill the *Levites* (that is, the Priests, and Mini-
 sters unto the Priests,) were surrogated and put in place of the first borne: as the divine Law doth expresly tell us. But in the meane time, in the Country of *Canaan*, there being a kind of Common-wealth, we read of *Melchisedec* King and Priest. The like was *Moses* before the Consecra-
 tion of *Aaron*. Other Nations of old had the same custome, whether by the instinct of nature, or the example of their An-
 cestors. In *Homer* the Hero's, that is, the
 C 2 Princes,

4. It was
 so before
Moses,
 and after,
 among
 the Na-
 tions.

Gen. 18. 16

Princes, Sacrifice; and, to omit other Nations, the first Kings of *Rome* did so too; and after the Kingdome was out, there remained yet *A King of the Sacred Rites*.

It may be enquired, whether those Fathers and Kings, while the true worship of God lasted (as it is credible it lasted among many of the Fathers for some Ages after the flood) received the Priesthood by some speciall Title, or challenged it to themselves by their Paternall and Regall Right?

Very learned men are of opinion, that as some probably had the authority of the divine Oracle, so others had it not: nor is any such thing, the Law positive being set aside, requir'd to the constitution of a Priest. Yea, when the men of those times all the world over, were bound, as far as they knew him, to honour God, and to *give him thanks*, as the Apostle convinces *Rom. i.* they were either bound every one to be Priests, or to commend the Priesthood to some chosen men. But it is the Fathers part to assigne all, in the family, we their severall offices; and among the rest the Priesthood, as being, by the Law of Nature, not excepted: and the function which he may assigne unto another, the same, if he be fit for it, nature forbids himself

not to assign unto himselfe. What is said of the Father, let it be understood of the King; and the rather, because all confesse, the free multitude, in that first state, had a right to choose themselves a Priest. Which right of the Multitude, is transferred upon the Highest Power. For such Election consists of bidding and forbidding; because one is licenced to performe Priestly actions, others interdicted the same. But to bid and forbid are acts of Authority, which he that hath not wholly, hath not truly the name of the Highest Power. That which is spoken to the Hebrews is not opposite hereto; *No man taketh this honour to himselfe, but he that is called by God, as Aaron.* For the divine writer in that place treateth of the legall Priest, not of him that was, or might have been before, or out of the Law of *Moses*: and he shewes, whatsoever was excellent in the legall Priest, was much more eminently in Christ, in whom also there were many things illustrious, which in the legall Priest were wanting. But the Custome of joyning the Empire with the Priesthood, used through all the world about two thousand five hundred years, in many places longer, the Luxury of Kings, their sloth, or busynesse of war, in other Nations; and a-

mong the people of God, the Positive divine Law did at last abrogate: that Law I mean, which gave the Priesthood not to any of the people, but only to the house of *Aaron*. After this, what was before a praise, became a trespassse.

§. The Supreme Authority, and Sacred Function, separated by the Law of *Moses*.

Why God separated the kingdome of Israel from the Priesthood, 'twere hard to find out, unlessse the divine writer to the Hebrews had open'd us the way. 'Tis apparent the Hebrew Nation was very prone to superstition, and often fell away to Idols; To restrain them from this, when God had imposed on them a great burthen of laborious Ceremonies, they began to place all their hope in them; from which most unreasonable perswasion, the holy men very often call them off; and shew, that Mercy and integrity of heart is far more acceptable in the sight of God, than all their Sacrifices. Had the King himselve offered their chiefe Sacrifices, as of old the custome was, how much more would their minds have been taken up with so great a Majesty? But now, when the Priesthood was, though still with Pompe enough, yet disrob'd, as they saw, of the Royall Splendor, and brought down below the King; hereby, they were put in mind, to hope for some great Priest, who should also be

King

King as *Melchizedec* was ; and to put their trust in him. What admirers the Jewes were of their Priests, even in this appears, that after their return from the Captivity, they forth-with added to the Priesthood the Principality, which quickly advanced to a Kingdome, and so to a Tyranny.

Moreover, it is worth our observation, that, after the Institution of the Priesthood, some reliques of the antient Custom still remained. For, to the Fathers of families was left, the killing of the Passeover ; wherein, as the Jewes rightly note, they performed somewhat of the Priests office. Circumcision also was administred without a Priest, as all the Hebrews consent, by any one that had skill to do it. And this is not to be omitted, that Prophecy, which seems to have a naturall coherence with the Priesthood, was as well given to Kings as Priests ; Yea, to private men, more often than to the Priests. Thus did God, many wayes, bring the people to an acknowledgement of the weaknesse of the Leviticall order. Thus did the Law, as it were, by the hand lead them unto Christ, who was to be the highest Prophet, the highest Priest, and the highest King ; who also should make all believers in him partakers of that threefold honour. Concern-

Ec. 54.13. ing the Prophecy, we have that of *Eſay*,
Jo. 6.45. cited by *St. Iohn*, *They ſhall be all taught*
of God: and another notable place of *Fe-*
Heb. 3. 10. *remy*, cited in the Epistle to the *Hebrews*.
 Concerning the Kingdome and Priest-
I Pet. 11.9 hood, *Peter* ſpeaks of both at once, where
 he calls the faithfull, *a royall Priesthood*;
Apoc. 1.6. And *Iohn* in the *Revelation*, *He hath made*
 5.10. *us Kings and Priests unto God*. Yet, neither
 the excellency of *Chriſt* himſelfe in his
 propheticall office, nor the generall Com-
 munication of the gift of prophecy to the
 faithfull, hinder, but that ſome in the New
 Teſtament may be called Prophets, by a
 ſingular right. So alſo, the Kingdome of
Chriſt, which partly conſiſts in his divine
 care of his Church againſt her enemies,
 partly in a ſpirituall government of the
 hearts of men, hath not taken away either
 the right, or the name of Kings, whoſe
 Empire is externall, and ſubject both to
 the divine providence, and the ſpirituall
 actions of *Chriſt*: according to that of
Sedulius:

He doth not earthly Kings dethrone,
Who gives to His an heavenly Crown.

The name of Priests is alſo given to the
 preachers of the New Teſtament in a ſpe-
 ciall manner: but, there was ſome reaſon,
 why *Chriſt* and his Apoſtles did alwaies
 abſtain

abstain from that kind of speech; which ought to admonish us, that we do not commonly and promiscuously argue, from the Leviticall order, to the Evangelicall; seeing, there is a wide difference, both in the office, and the designing of the persons to it.

It is enquired therefore, under the Christian Law, whether the Highest Authority, and the Pastoral office (which may be also call'd the Priesthood, as was noted before) can rightly be united in the same person. Many arguments are brought to prove they cannot, but all are not of the same strength; for some doe more rightly prove the offices to be divers, as they alwayes have been; and, that Pastors, as Pastors, have no Empire; rather than the conjunction of the offices to be interdicted. That is of more efficacy, that the Apostle forbids the *souldier of Christ* (he seems to speak of the Pastorall warfare) *to be intangled with worldly businesse*; which the most ancient Canons, intituled Apostolicall, extend even to inferiour civill offices. And lest any think this only constituted for the times, they lived under heathen Emperours; the same is repeated, in the Synod of *Carthage*, under *Honorius* and *Theodosius*, Christian Emperours; and in that of *Chalcedon* too. The reason was, because

6. And by the Christian Law.
2 Tim. 11. 4.
Can. 6. 81. 83.
Can. 16.
Can. 3. 7.
the

*Novel.*¹²³
Cap. 5.

the Pastorall office is of such weight and difficulty, that it requires the whole man. Although this must not be taken so rigidly, as alwayes to exclude Pastors from undertaking any secular charge (the Lawes, for example, except Tuition :) yet it sufficeth to remove from the Pastor any charge, that is difficult and perpetuall ; as we see the Apostles exempted themselves, for the same reason , from the care of the Widowes maintenance ; an office otherwise not improper for them. But the charge of a Kingdome, is both perpetuall, and more weighty, than any other. The strongest argument is, That the royall office requires far other manners and behaviour, than the Pastorall, as it is described in the Gospell ; So that, even thence it sufficiently appeareth, both cannot with any convenience and comlinesse be sustained by one, nor without inconstant levity in passing from the exercise of one to the other.

We have shewed that the Empire is distinct from the sacred Function ; and, that there are causes, why Both together ought not to be undertaken by the same person. Neverthelesse, because both the Empire, and the Pastorall office (by Pastors I understand the Ministers of the Gospel ; for Kings are Pastors too, and that of the
Lords

Lords flock; yea, Pastors of the Pastors, as a Bishop once call'd King *Edgar* though distinct, yet agree in this, that the same, which is the Pastors only care, is the principall care of the Highest Powers; namely, that Divine things may be rightly ordered, and the Salvation of men procured; we need not wonder, if the Highest Powers, for the community of the matter, and the end, receive sometimes the title of the other Function. Hence it was, that *Constantine* call'd himselfe a *Bishop*, and other Emperours had the title of Renowned Pontifs or Priests. In the Emperour *Martianus* the Roman Bishop extolls his *Priestly mind*, and *Apostolicall affection*: and *Theodoret* mentions the *Apostolicall* cares of *Theodosius*. As the names, so the privilege of the Function, hath been given to Emperours. The sixt generall Synod forbiddeth Laicks to approach the Altar, *i.e.* the Table of the Lord; but the Emperour is excepted. Upon which place, *Balsamo* Bishop of *Antioch* observes, how the Emperours were wont to Seale with Wax, as the Bishops of that time did, and to instruct the people in Religion.

. Now if the Emperours were called, as we have shewed they were, Bishops and Pontifs and Priests, there was then no
cause

7. Sacred names & Privileges given to the Highest Powers.

cause of upbraiding some English writers for attributing to their King a certaine *spirituall* power, seeing the name is often imposed not from the manner of working, but from the matter, as we call the Laws *military, nauticall, rurall*. Wherefore the Kings power is also *spirituall*, as it is conversant about Religion, which is a *spirituall* thing.

CHAP. III.

*How far sacred and profane actions agree,
as to the right of having Command
over them.*

First let us see what kind of actions (for about them Authority is properly conversant) may be the matter of command, and then, what effect the command may have, in the severall kinds.

r. Internal
actions
not sub-
ject to the
Higher
Power,
but in re-
lation to
external.

Actions are first divided into externall, and internall. The externall are the primary matter under humane power, the internall are the secondary; nor for themselves, but by reason of the externall: and therefore, about the internall, which are wholly separated from the externall, and respect them not, humane commands are not given. Hence is that of *Seneca*,

He

He erres, who thinks, the whole man can be subdued, for the better part is excepted: and that common saying, Thought is free. The reason is, because Government requires some matter, which may fall under the Governours knowledge; but God alone is the searcher of hearts, and hath the sole Empire of them. Unto men, the internall acts of others are unknown, by their own nature: by their own nature, I therefore adde, because the externall, that are done in secret, are under Government: for by their nature, they may be known. I said, internall acts are subject to command, secondarily: that comes to passe two wayes; either by the intention of the Ruler, or by a kind of repercussion: in the first manner, where the inward act is joyned with the outward, and hath influence upon it, (for the mind is esteemed in offences, either perfected, or begun;) in the latter, when, because any act is made unlawfull by the interdiction of the Ruler, (for we must be subject not only for wrath, but for conscience sake;) by thought to intend that action, is unlawfull: not, as if humane Law were properly made for the thought; but because no man can honestly will that, which is dishonest to be done.

Rom. 13. 5.

Another

2. Actions
either deter-
mined,
or not deter-
mined,
before
any hu-
mane
Com-
mand.

3. Actions
determi-
ned by
Law Di-
vine ei-
ther na-
turall, or
positive.

Another partition of Actions is this, that, before any thing is by men ordain'd concerning them, they are either morally defin'd, or indefinite. Morally defin'd, I call those, which are either due, or unlawfull; those may be said to be morally *necessary*; these morally *impossible*; as, in the Law, dishonest things are all expressed by that word. This determining of Actions, before any Act of humane Authority, ariseth, either from their own nature; as, *to worship God*, is due; *to lye*, unlawfull of it self; or from the Positive divine Law; Those of the former sort are referred to the Law naturall; but, lest any be deceived, by the ambiguity of the word *naturall*, not only those Actions are called naturall, which flow from principles known by nature; but those also, which come from naturall principles, certainly, and determinately. For, *naturall*, in this argument, is opposed, not to Supernaturall, but to *Arbitrary*. So, when as it is certaine, God the Father, Son and Holy Spirit, are one true God; that the same God be worshipped, is a point of naturall Law. Actions of the latter sort, that is, determined or defin'd by divine Positive Law, are such as were prescrib'd by God, some to all men, some to one people, some to single persons, namely,

namely, to *Abraham, Isaac, Jacob, Moses,* Dent. 4. 8. and other servants of God. Among all people, to *Israel* alone, God prescribed many Positive Lawes, pertaining to Religion, and other things. To all mankind, some things were commanded for a time; as, the Law of the Sabbath, presently upon the Creation, as some think; the Law of not eating bloud, or the strangled, after the flood: Other things to last for ever, as the Institutions of Christ, concerning Excommunication, Baptisme, the Supper, and if there be any more of that kind.

These things being understood, it may seeme, that such Actions only are the just matter about which Humane Authority is exercised, which by Divine are left indefinite, and free either way. For *Aristotle* describes that which is *legally just* to be that which from the beginning was indifferent, thus or thus; but, after the Law made, ceaseth to be so. And this is true, if we only look upon such an act of Authority, which intrinsically changeth the action; for, when as the things that ought to be done, and the things unlawful, are determined, and therefore immutable as to morall good or evill, it follows, that indefinite actions are left, as the only matter of such a change. Neverthelesse

4. Actions undetermined are the matter of humane Law, and also determined, both because of their adjuncts and of a new Obligation. *Eth. 5. 10.*

thelesse, when the things that ought to be done, and those that ought not, are capable of a change extrinsecall, and may receive it from humane Authority, it is manifest, they are Subject to the same Authority, unlesse they be actions meerely internall. Hither it pertains, to assigne the time, place, manner, and persons, for performing of due actions, so far as the circumstances are undefin'd by the nature of the thing, and the Law of God; also, to take away impediments, and sometimes to adde rewards; and, to restraine unlawfull actions, by such punishments as are in the Rulers power; or else, to inflict no punishments, which is call'd permission of the fact, and is sometimes no fault. To him that looks more narrowly into these things it will appeare, that by humane command, there ariseth a new Obligation, even in Conscience, though of lesse degree, in the things which men were before bound to doe, or leave undone. For the divine Law of the Decalogue, saying to the Jew, *Thou shalt not kill, Thou shalt not steale*, and the rest, not only declar'd, what was of the Law naturall; but, by the precept, added a new Obligation to the former; so that the Jew, doing the contrary, not only offended,

in

in doing a *vitious* act, but an act *forbidden*: because, *by the transgression of the Law he dishonoureth God*, as Paul speaks. *Rem. 11. 23.*

As it is in the Divine Law of the Decalogue; so also it is in Mans Law, a proportion being observed. For they that resist, resist the Ordinance of God: and therefore, *shall receive to themselves damnation*, *Rem. 13. 2.* as the Apostle testifies.

We have considered, how largely the matter under Humane Power is extended, and what acts belong unto it, in every kind: now, let us see what acts are not, by right, within the Command thereof. It is certaine, those only are without the limits of the Supreme Power, which are repugnant either to the Naturall, or to any other Divine Law; no other way, of confining the right of the Highest Power, can possibly be invented. The things defined in the Law Divine (wherein I comprehend the Naturall) are of two sorts; some commanded, some forbidden. Therefore there are two acts of Empire, which belong not to the Right of him that Ruleth; *To command what God forbids: To forbid what God commands.* The reason is, because, as in naturall causes, the Inferiour have no force to work, against the Efficacy of the Superiour; so it is in Moral.

5. Acts not under Humane Command, are only those that are repugnant to Divine Law.

rall. Wherefore such Commands, so far as they doe contradict the Divine, cannot have the proper effect of Commands; they cannot Impose an Obligation. Excellently saith *Austin*: If the Curator Commands somewhat, is it not to be done? no; If the Proconsul forbids. Herein you condemn not the Power, but choose to obey the Higher. Again, if the Proconsul bid one thing, the Emperour appoint the contrary, without doubt you must hearken to the Emperour. Therefore, if the Emperour doe require one thing, and God another, what is to be done? God is the greater Power; Give us leave, O Emperour, to obey Him.

6. Commands repugnant to Divine Law bind to a non-resistance, & wherefore,

Yet, we must carefully distinguish, between the Act of Authority, which moves the Subject to work; and the Force offered, which imposes, on the Subject, a necessity of suffering. For, when the Act of Authority is without effect, and layes no obligation; yet the Force hath an effect, not only Physicall, but Morall; not on the agents part, but the patients; namely, that it is not lawfull, to repell that force, by force: for violent defence, being lawfull against an Equal, against a Superiour is unlawfull.

I. Milit. Sect. 4. D. de re Milit.

A Souldier, saith the Lawyer, who resisted his Captain going about to chastise him,

was

was punished by the Antients. If he laid hold on his Cane, he was casshier'd : if on purpose he brake it, or laid hand on the Captain, he was put to death. This though probably it might have proceeded from Humane Law (for humane Authority binds to all things which are not unjust, and it is not unjust to forbear resistance) or also from the Law of Nature, which suffers not a part to oppose the whole, no not for self-preservation : yet is it more cleerly demonstrated out of the written law of God. For Christ, when he said, *Hee that taketh the Sword, shall perish by the sword*, plainly disallows a forcible defence against the most unjust force offer'd by Authority. And hither is to be referr'd that of Paul, *Hee that resisteth, resisteth the ordinance of God*. There are two wayes of resisting, either by doing against the command, or by repelling force with force, as Austin interprets : *Whether the Power, favouring the truth, corrects a man, he hath praise by it, who is amended : or, disfavou- Rom. 13. 2.*
ring the truth, rageth against a man, hee hath also praise by it, who is Crowned. So Peter will have Servants subject to their Masters, not only to the good and gentle, but to the froward; which the same Austin, extending also unto Subjects, Princes must

2 Sam. 8.

Deut. 17.
17, 20.1. penult.
D. de Just.
& jure.1 Sam. 24.
7. 26. 9.7. Subor-
dinate
Powers
not ex-
empted
from that
Obligati-
on.

be so endur'd by the common people, saith he, and Masters by their servants; that they may exercise their patience in bearing temporall things, and their hope, in waiting for things eternall. So it was also in the old Law, where to use Subjects for servants, to give away their goods to others, is call'd the Kings Right; not, as if the King doing so, did justly (the Law divine had taught him another lesson, yea, had forbidden him to be puffed up, to gather abundance of gold and silver, and a multitude of horses) but because, doing so, no man might lawfully oppose force against Him: as the Romans say, *The Prætor gives Judgement*, even when he decrees that which is unjust. Hence was that twice spoken of a King, though most unjust, yet set up by God, *Who can lay his hand upon the Lords anointed, and be guiltlesse?* Neither are they by any means to be heard, who against the holy Scriptures, against right reason, against the judgement of pious Antiquity doe arme certain Inferiour Powers against the Highest. For, *Peter* teaching obedience to the King (that is, to the Highest Power) as Supreme, to Governours (that is, to Inferiour Powers) as sent, and ordained by Him, manifestly shewes, all the right of Inferiour Powers to depend upon

upon the Commission they receive from the Highest. Hence *Austin* concerning *Pontius Pilat*: *Such power God had given him, that was contained under Cæsar's Power.* And, was not *David* a Prince, and a Leader among the people of God, who was so farre from touching that Tyrants person, that his heart smote him, for cutting off the lap of his garment? Reason confirms what we have said. For, those Magistrates, in respect of their Inferiours, are Magistrates, as long as it pleaseth the Supreme Power; but, in respect of the Supreme Power, they are but private men; because all Power, and all Jurisdiction flowes from the Supreme, and still depends upon it. Hence *Marcus Aurelius*, that most wise Emperour, said, *The Magistrates judge Private men, Princes the Magistrates, and God the Princes.* By the name of Princes understanding the Emperours, who were now become absolute. The ancient Christendome was of the same judgement; for no Governours, no Leaders of legions, ever attempted any thing with Arms, against the most impious, cruell, and bloody Emperours: So that, it is a very sad thing, that our Age hath brought forth men of learning, who by a new-coyned doctrine, have opened a broad

1 Sam. 24. 7.

8. Exam-
ples alle-
ged to the
contrary
answered.

way for Seditions, and Wars to enter in. Neither ought we to be moved by any late examples of Arms taken up against Kings. For if they were taken up against Kings, upon whom the whole Right of the people was translated; and, who therefore reigned, not by a precarious, but proper Right; whatsoever pretext or successe they had, they cannot be prais'd without impiety. But, if any where Kings were bound by Contracts, or Positive Lawes, and Decrees of some Senate or States; against these, having not the highest Authority, upon just causes, by the judgement of the same Senate or States, Arms might be taken up. For many Kings, even such as succeed by inheritance, are Kings by name, rather than by Power; as *Emilius Probus* hath written of the Laconians. But, this deceives the unskilfull, that they doe not enough discern the daily administration of affaires obvious to their eyes, which in an Optimacy is oft committed unto one; from the interiour Constitution of the Commonwealth. What I have said of Kings, I would have to be understood much more of them, who both really, and in title, were not Kings, but Princes; that is, not *chiefest*, but *first*. Whose Principality much differs from Supremacy. And again, this

this is to be noted, that some Lords and Cities have Supreme Authority, though they seeme not to have it, being under the Trust and protection of another. But, seeing to be under protection, is not to be in subjection; and, as the Roman Lawyers note, *The people censeth not to be free, that are fairly observant to anothers Majesty*; these also may be endowed with Supreme Authority, who are obliged to another by unequall League, or tye of Homage. All this I set down to that end, lest any one hereafter (as I see hath been often done) defame good causes, by an ill Defence. I would more enlarge in this Argument (for 'tis of great consequence, and here to erre is dangerous) but that 'tis done already with great care by many others, and of late by the learned *Arnisens*.

Upon these premises, let us come to demonstrate the parity of Empire over Sacred and other matters. As in all things, the thoughts are not so easily ruled, as the words: so particularly, in Religion, *Laëtantius* hath truly said; *Who shall enforce me, either to believe, what I will not; or, not to believe, what I will?* And in this sense that of *Cassiodor* is true, *Religion cannot be Commanded*; and of *Bernard*, *Faith*

9. The difference 'twixt internall actions and externall.

is to be planted by persuasion, not obtruded by violence. Wherefore also the Emperours *Gratian, Valentinian, and Theodosius*, said concerning an Heretick; *Let him think, if he will, what is hurtfull for himself; let him not utter it, to the hurt of others.* And, I suppose, *Constantine* had respect hereunto, when he call'd himself a Bishop or Overseer of things without: because, the inward acts, taken by themselves, are not the matter of Humane power; but are Subject to the power of God; who, by Bishops, not Commanding but *Ministring*, moves the minds of men with voices and signs; yet so, that he still reserves the maine Efficacy to himself alone. Notwithstanding, inward acts of all sorts, taken joyntly with the outward, fall under Humane Authority. The *Cornelian Law* lays hold on him, who carries a weapon, with purpose to kill a man: and *Adrian* the Emperour saith, *not only the event in evill deeds, but the will is to be consider'd.* So in *Justinians Code*, concerning the *Catholick Faith*, a Title is extant, to wit, for the Profession of Faith, which the first Law explains, *All people under our Empire we require to be of such Religion, &c.* Hence came those names of Kings, *Rectors, Authors, Defenders of the Faith.* So also of
old,

old, the King of *Ninive* commanded repentance, with fasting. That things forbidden by God cannot with validity be commanded; nor things by him commanded, be forbidden by Humane power, is no lesse true in other actions, than in Sacred; in both, that of the Apostle hath place, *We must obey God rather than men*: which a Disciple of the Apostles, *Poly-carpus*, hath expressed thus; *We have learned to render to the Powers ordained by God, all the honour we can, without hurting our own souls*. The King of *Egypt* Commands the Mid-wives to kill the Male-children of the *Hebrews*: They doe not obey. The cause is exprest, *For they feared God*: who by the dictate of Nature forbids to slay the innocent. King *Ahab* would have *Naboth* sell him his Vineyard; *Naboth* denyes: for, the Divine Law, given to the *Hebrews*, forbad inheritances to be alienated from the same family. *Antoninus Caracalla* commands *Papinian* the Lawyer, to defend the paricide committed by him: *Papinian* refuses, and had rather dye; because he knew, it was against the Law of Nature and Nations, to speak false and Patronize so great a crime. By the same right, but with more holy affection, the Apostles, when the Councill charged them,

10. What God commands, cannot be forbidden by man with validity.

them, not to speak or teach in the name
Acts 4.19. of Jesus, aske, *whether they must not obey
 God rather than men?* and justly: for they
 had received a charge from God him-
 self, by the mouth of the Lord Jesus,
Luke 24. *in his name to Preach repentance and re-
 mission of sin, and that beginning at Jeru-
 salem;* for this also was specified in their
 Commission. What therefore the Divine
 Command had made necessary for them
 to be done, Humane command could not
 render unlawfull. And in this sense the
 Authors are to be explain'd, who say, the
 Gospel, the Ministry, the Sacraments,
 are not subject to Humane Power; that is,
 to change that, which Divine Law hath
 introduced.

II. How
 Religion
 is not sub-
 ject to
 Humane
 Power.

For first, the Preaching of the word of
 salvation, and the exhibition of the Sa-
 craments, being commanded by God,
 cannot effectually be forbidden by men.
 Likewise, the Nourishing of Parents of
 Children, the relieving of the innocent,
 and many other duties, are so far exempted
 from Humane Law, that the prohibition
 of them is of no force or vertue. Secondly,
 the forme by God prescrib'd, for the Mi-
 nistry of his word and Sacrament, cannot
 be alter'd by men; nor is this proper to
 things Sacred. For also, the Forme of

Matrimony,

Matrimony, as it consists in the unity and individuall knot of two persons, is by Humane Law immutable. Thirdly, it belongs not unto Humane Power, to make new Articles of Faith, or, as *Justinian* speaks; *to innovate the Faith*; nor to institute a new worship of God, or new Sacraments; because, the nature of such things will not admit thereof: for nothing can be believed or done, in order to salvation, but what God hath declared such; neither can any thing be fit to apply unto us the Divine grace, unlesse God hath assign'd it to that use. Yet, to speak accurately, these things which we have rehearsed, Sacred and others, may be rather said to have something in them of immutable right, than simply and altogether exempted from the Rule of the Highest Powers; seeing there be very many and very great acts of Authority concerning them; which acts are call'd in Scripture *the Commandements of the King in the businesse of the Lord.*

*L. cum sal
lus. I. de
sum. Trip.*

*2 Chron.
29.15.30.
12.*

For first, it is the proper effect of the Highest Powers, that we have liberty and convenience to doe the things which God commandeth, being freed from impediments, and supplied with helps. So *Cyrus* and *Darius* gave leave to the Jews to re-
staur

*12. And
how it is
Subject.*

staure the Temple, and to sacrifice there; and gave them moneys too, to beare their charges. So, by the edict of *Constantine* and *Licinius*, the Christians had open exercise of their Religion. Secondly, not only by permitting, but (as before was touched) Humane Law, by Commanding, what Divine Law doth Command, superaddes another Obligation. Thirdly, to the actions Commanded by God, the Highest Power prescribes certaine circumstances of place, time and manner, that they may be done *decently and in order*. Fourthly, from actions forbidden by God, the matter and occasions are by Humane Power withdrawn. So *Ezechias* brake the brasen Serpent; so the Emperours shut up the Heathen Temples. Fifthly, 'tis the part of the Highest Power, by proposing punishments, to draw men to the doing of that, which God Commands, and deterre them from the contrary: as *Nebuchadnezzar* made it death to speak evill of the *Hebrews* God; and the Emperours, to offer sacrifice to the God of the *Gentiles*. And in these particulars consisteth, as I take it, that Office of the Highest Powers which is called by *Justinian*, the *preservative of the Divine Lawes*, meaning such a custody, which is also Legislative

tive, as *Austin* speaketh, *Let the Kings of the earth serve Christ, by making Lawes also on behalf of Christ.* And the same particulars have place in things not Sacred, which are likewise defined one way, by that Divine Law, which the Apostle calls *the righteousness of God.* For therefore the Civill Law is said to consist, partly of Civill institutions, partly of Naturall precepts. Concerning which Naturall precepts, the Civill Law gives right and liberty to doe them, hindrances being remov'd; yea commands the same things to be done; determines circumstances; takes away, or streightens the occasions of often transgression; Lastly, addes a sanction, to them; by the constitution of punishments; which is so manifest, that we need spend no more time in this.

Let us come to those things, which by the Divine Law, whether written in the hearts of men, or in the Holy Bible, are not at all determined. To determine them either way, whether they be Sacred or Profane, is the right of the Highest Power. Of prophane, 'tis most known; so *David*, of dividing the spoile; the Roman Emperours, made constitutions, of the solemnities and effects of Contracts and Testaments, & innumerable other matters.

Of

Ep. 46.

Rom. I. 3.

13. The Highest Power may determine any Actions not afore determined by God.

1 Sam. 20. 25.

Of Sacred things, 'tis no lesse clear, if one (I say not, diligently read) but only look into the Sacred History, the *Codes* of *Theodosius* and *Justinian*, the *Novels*, the *Capitular* of *Charls* the Great. Every where examples are so obvious. It pertaines hither, to institute Offices, more for convenience and ornament, than for necessity, as *David* did; to build or beautify temples, as *Salomon* and *Foas*, or to appoint a Law and manner of building them, as *Justinian*; to prescribe the manner of Electing Pastors, holding Synods, keeping order among Pastors, alienation of things dedicate to holy uses; all which very many Christian Emperours have done.

14. Resistance under colour of Religion, unlawfull, proved by Scripture & examples, and Objections answered.

Mat. 26.

52.

1 Pet. 2. 16

Now, if the Highest Power shall exceede the due limits, by decreeing and ordaining any thing, either in Ecclesiasticall things, against the Rules of Faith and Religion prescrib'd by God; or, in other matters, against the perpetuall rule of equity (as in both kinds it sometime happens) Ecclesiasticall and Civill things doe againe agree in this, that, as a man cannot be oblig'd to obey men rather than God; so if upon refusall force be offer'd, there remains the glory of patience, no right to oppose force to force. So Christ hath taught *Peter*, and *Peter* us. So saith

Ambrose

Ambrose, Grieve I can, weep I can, mourn I can, any other way to make resistance, I cannot, I ought not. A most holy example of that patience prescrib'd unto us by God, is left us by those antient Christians, that liv'd under the heavy yoke of the unbelieving Emperours. They were men to be feared for their number, had they chosen rather to shed others blood, than their own: for, *Tertullian* shews how they had filled both the Camp and City. That victorious *Thebane* Legion, for Religion sake, was contented to lose every tenth man, at the Emperours Command; and, it is memorable, that when there was one Christian put to death for tearing the Imperiall edict, Commanding Bibles to be burnt, Churches to be demolisht, and the Christians Crucified; the rest of the Christians declared, He had justly deserved that punishment. So deeply had the voyce of Christ sunk into their minds, that forbids *to take the sword*. Every one takes the sword, who hath not receiv'd it from God. God hath given it to none, but the Supreme Powers and to such as they appoint. No examples of the old Testament evince the contrary; for when we read of the defections of people or
Cities

Cities from some Kings, and the impiety of the Kings set down for the cause, therein the divine judgement is described, not the deeds of men commended. But if the Highest Power, that hath undertaken the protection of true Religion, be it self therefore opposed by the armes either of foreign or domestick enemies, it hath all the right and reason in the world, by Arms to defend its own Authority, and the lives and fortunes of the Subjects. For 'tis all one upon the matter, whether the opposition be for Religion, or any other pretence; nor is the Power being Independent, more bound to let go the use of Religion, than the possession of land, at the pleasure of any other whatsoever: *For He beareth not the Sword in vain.*

rs. Not so many particulars in Sacred things, as in Secular, under Humane Power: with the reason of it.

It hath been shewed, I think sufficiently, how the Highest Power hath equall Authority over actions Sacred and Profane, over the externall primarily, and in regard of them, over the internall also in the second place: I say, Authority to command and forbid, what is commanded already, and forbidden by God; to determine things left in the midst, and permitted to mans liberty; and when force is offered under pretence of right, to defend it self. I say, equall Authority over Sacred and Secular actions

actions: which *Binius* also a man of the Roman religion acknowledgeth. In generall there is no difference; but if we come to particulars, 'tis confest, Authority extendeth not to so many Sacred things, because the divine Law hath determined more of them, than of the Secular: for, the secular affaires (the Institutes of the Hebrew Commonwealth, it is plain, oblige not us) are almost all circumscrib'd by rules of Nature, saving that it may be doubted of some connubiall Lawes, whether they be Naturall, or out of the Divine pleasure. But, concerning Sacred matters, much is prescribed us in the Gospell, and proceeds immediatly from the will of God. This being noted, I see not any thing more, remaining in this question; for, that a more diligent enquiry, and greater care is needfull in things Sacred, both because the Law of Nature is more known than the Positive, and because error in Religion is more dangerous; this pertains to the question of the Manner to use the Power rightly, and changed nothing in the Power it selfe.

CHAP. IV.

The Objections against the Authority of the Highest Powers, about Sacred things, are answer'd.

y. That
Christ In-
stituted
the Pasto-
rall office,
answered.

THe right understanding of what is ready spoken, will help any one to answer all that is said against the Authority of the Highest Powers, in things Sacred or Ecclesiasticall. For first, that Christ himself, not the Highest Powers, ordained the Pastorall office; that, as to the substance of the office, Christ also hath set down the rules; and that, so far (as we have before acknowledged) Pastors are not the Vicars or Deputies of the Highest Powers; all this diminisheth nothing of the right of Government, as will appear by the examples of other things. The power of Parents over Children, of Husbands over their Wives, hath its originall, not from any humane Institution, but from God himself: yet who will deny these Powers, though more antient, to be subject to the Highest? The Physicians function is from God, the author of Nature, (as the Pastor's from God the author of Grace,) and from Nature and Experience he receiveth rules to execute his office, not from the Highest Powers;

Powers ; nor is he in their stead, when he practiseth : and yet for all this, the Physician's function is subject to the Supreme Authority. There is the same reason in other arts and professions.

And, that Pastors are not bound to obey the Highest Powers, when their Commands or Prohibitions are contrary to Gods ; herein is nothing singular. For every private man hath so much right, and that in other things, as well as Sacred. Yea, the Judge, that receives his Commission from the Highest Power, being commanded by the same to judge against right and reason, is not bound to obey, or rather, is bound not to obey ; which comes to passe, not because the private man, or the Judge is not subject to the Highest Power ; (none will imagine that :) but because both the Power and they are all subject unto God : and when Commands are contrary, the Superiour is to be preferr'd.

That which some allege, that the Magistrate (as they love to speak) is not of the essence of the Church. 1. That the Church can subsist, although there were no Supreme Power, or that Power not a friend to the Church, is very impertinent ; for, that we may speak in their phrase, the Magistrate is not of the essence of any single 2. That the Magistrate is not of the essence of the Church, answered.

E 2 man,

man, not of the essence of a Merchant, or Husband-man, or Physician, yet are all these under the Higher Powers, as reason teacheth, and the Apostles authority.

3. An objection out of Esay answered.

Esay 49.

23.

Whether Kings are under the believing people, or Church.

Nehem. 8. 8

Psa. 72. 9.

Apo. 1. 5.

This objection hath a better appearance. The promise made to the Church in the Prophet, *Kings shall bow down to her with their face toward the Earth, and lick up the dust of her feet*: which words rather seem to subject Kings to the visible Church, than the Church to Kings. This Argument the Papists often use. But truly, if as *Erasmus* and his Companions once, so we interpret the Scripture by the Scripture, comparing together what was dictated by the same Spirit, we shall easily find the honour, of which the Prophet speaks is proper and peculiar unto Christ, which the *Psalmist* expresses almost in the same words: and it is given to the Church, for Christ spiritually reigning in it; as under the old Testament, we read the Arke to have been adored. There is therefore a Trope in that prophecy, neither can the words be rigidly pressed, without transferring that Majesty to the Church, which agrees to Christ alone, *the Prince of the Kings of the earth*.

That saying, which is so much cryed up by the Papists, *that the Emperour* with

within the Church, not above the Church,
 is most true of the Church Catholick, that
 never was, never will be under one King;
 but it must be taken warily of the visible
 Church of one kingdome, so as not to
 deny the Superiority of the Empire; for
 a King, that properly bears the name of
 King, is not only Superiour to the people
 taken severally, but to the whole people
 altogether. Nor is this understood of un-
 believing people only, of whom Christ
 hath said, *The Kings of the Gentiles bear rule* Lu. 22. 25.
over them: but even Gods own people Is-
 rael thus speak, *A King shall be over us.* 1 Sam. 8.
 And Christian people are taught Subjeſti-
 on to the unbelieving Kings, by Paul and 19.
 Peter. Whereupon is that of Chrysostome, Rom. 13. 1.
If this be required under Pagan Kings, how
much more ought it to be under Kings that 1 Pet. 2. 13
are believers? Nor is it materiall, that pi-
 ous Authors sometimes say, *Kings doe ser-*
vice to the Church; for they mean only,
 that they doe consult and provide for the
 commodities thereof; In which sense also
 the old Pagans call'd a Kingdome *Service*.
 So doth the Shepherd serve his flock, the
 Tutor his Pupill, the Generall his Army:
 and yet the Flock is not above the Shep-
 heard, nor the Pupill above the Tutor, nor
 the Army above the Generall. For they that

govern serve, by the office of consulting, and graciously providing, as *Austin* speaks; Kings therefore may be said to serve the Church, not to be servants of the Church, in that sense, as service signifies subjection. For *Saul* is not the servant of *Israel*, but *Israel* the Servants of *Saul*: and specially *Abimelech* amongst the Priests, as *David* among the Peers. So is *Sadoc* the Priest the servant of *David* and *Solomon*. Wherefore also the greatest Synods, being as it were a *Compendium* of the whole Church, living under the Roman Empire, salute the Emperours by the name of *their Lords*. Certainly, as a Father hath equally the Rule over his family, whether believing or not: so the peoples right Religion diminisheth nothing of the Right of the Highest Power.

4. That Kings are under the Pastors function, answered.

Some think this a very strong argument against the Authority asserted to the Highest Powers, that the Sacred Function of Pastors is conversant about Kings also, not only as the Gospel is in generall preached unto them among the rest, but as by the Ministry of the Keys it is applyed to them in particular. But the weaknesse of this Argument is convinced by like examples; for what Function is not conversant about the King? Husbandmen, Merchants,

Merchants and the like, the King stands in need of; but to come nearer, the Physician cures the King as well as his Groome, and prescribes to both what may conduce to their recovery; moreover, the Counsellour of State is employ'd about the King, not only as a man, but as a King. Yet no man hath been so unwise, to exempt either the Persons or Functions of any of them from the Highest Authority, and loose them from the bonds of Humane Lawes.

We must come now unto them, who think all Authority about Sacred things to belong unto Christ alone, that Kings cannot be partakers of it, because he is sufficient alone for the Administration of his Kingdome, and needs not the help of a Deputy. That we may satisfy these men, the actions of Christ must be distinguished. His *Legislation*, and his finall *Judgement* are peculiar to him. In his Legislation is comprehended not only a more plaine promulgation of the Divine Law, misinterpretations being rejected and the difference laid open between the things which God alwaies approved, and those which he did wink at or beare with for a time; but also the constitution of the Evangelicall Ministry and Sacraments,

5. The
Objection, taken
from the
Kingdom
of Christ,
answer'd.
And what
that King-
dome is;
and whe-
ther he
hath Vi-
cars.

with the abrogation of the Ceremoniall Law. His finall Judgement contains the condemnation of some, and the absolution of others with exhibition of the reward. Which being done, Christ shall put off the Administration of his Kingdom, and yet retain the Majesty of a King for ever. These actions therefore being done, and to be done by Christ himself; Life and Death Eternall, with the Promise, commination and adjudgement of the same, being not in the power of meer men; it is certaine, that in them no man is the associate or Deputy to him. But there be other actions call'd *intermediate*: and of these againe, some are about the inward, some about the outward man. Those about the inward man are partly in the man, partly concerning him. *In the man*, Christ works, when by the vertue of his Spirit he illuminats some, others by not illuminating he blinds; he opens the heart of some, others by not opening he hardens; sometimes he affordeth greater aydes against temptations, sometimes lesse. *Concerning the man*, Christ works, when he remits or retains sin: yet for the most part in those actions also some signs of them are inwardly Imprinted in the man by Divine Efficacy.

All these actions exceeding the Power of meer Man, are also so peculiar to Christ, that he admits no Fellow in them nor Vicar. Ministers indeed he admits to these actions, *Pastors, Private men*, and *Kings* too, every one in his way. But there is a difference between a Vicar and a meer Minister; because it is the part of a *Vicar* to produce actions of like kind with his actions whose place he holds, though of lesse perfection: and to a meer *Minister* it pertains not to produce actions of like kind, but such as are serviceable to the actions of the principall cause. Whence it appears, that the same action is properly attributed, yet proportionably, both to the *Principall* and the *Vicegerent*; for the King truly Governs and gives judgement; so doth the Judge also, though not with equall Right. But, to the Principall and the meer Minister, the same action cannot be accommodated without a Trope: as Pastors are said *to save men, to remit and reteine their sins*. There remaine the actions of Christ about the outward man: which especially consist in defence and deliverance from enemies, and in the ordering and adorning of his Church; actions rightly referr'd unto his providence. And as the generall providence of
God

God which hath a watchfull eye over all things, although by it self it be sufficient for the disposition and execution of them; yet, for the demonstration of his manifold wisdom, He makes use of the Highest Powers, as his *Deputies*, to preserve the common society of men; whence also they are stiled Gods: So that speciall providence of Christ, watching over his Church, assumes unto it self the same Powers to Patronize the true Faith; and to them Christ also imparteth his own name. These are they that, as *Nazianzen* saith, *rule together with Christ*, not by equall fellowship of power, (far be it from us so impious a thought) but by a Vicarious and deriyed right; which is the meaning of that in the *Bohemian* confession, *Magistrates have a power common with the Lamb*. Wherefore seeing things subordinate doe not fight against one another, and seeing it doth not mis-become the Majesty of Christ, to execute the principall actions of his Kingdome by himself immediatly; the rest partly by himself, partly by others (as he uses too the Angels Ministry, out of question:) it follows, that the earthy Empire of the Highest Power, as it takes care of Sacred things, doth not at all oppose or stand against the Heavenly

heavenly and divine Power of Christ.

And here we must admonish our Opponents, that in the place of Christ, *the King of Kings, and Lord of Lords*, they may not put upon us *Presbyteries and Synods*; nor transferre what is proper to Christ alone, *to rule over Kings*, unto them, whom both the necessity of order, and divine Authority hath subjected to the Imperial Power. But, because in Scripture, and the antient History some *Government* is attributed, partly to Pastors, partly to Churches, let us see how it comes to passe, that the Government of the Highest Power is not overthrowed thereby.

6. Pastoral Government overthrows not the Authority of the H. Powers.

For the right understanding whereof, lest in the unlikenesse of things we be deceiv'd by the likenesse of words, we must make use of some distinctions. Government is either such as may consist with the Liberty of the Governed, or such as may not consist with it; the former agrees to them, who govern (as *Tacitus* speaks) *by authority of perswasion, not by power of Command*, as Physicians, Lawyers, Counsellours in things not altogether necessary. The later Government, whereby the Liberty of the Governed is taken away, is either Declarative of Law, or Constitutive: and this later, either by right of consent,

Distinctions of Government:

Directive. Constitutive. By consent. By Command. Supreme. Inferiour. Inferior, By emanation. By subjection only.

or by vertue of Authority. This distinction springs from the manner of introducing an obligation. They that govern declaratively doe not oblige properly, but occasionally, as they give a man notice of that which either brings or encreases an Obligation. So the Physician governs his Patient, by shewing what is hurtfull, what is wholesome: which being known, the sick is bound to use this, avoid that, not by any Right which the Physician hath over him, but by the Law of Nature, which commands every one to have a care of his own life and safety. So Philosophers doe govern the Morall and Civill life, by shewing what is honest, what the safety of the people requires. Hither are referr'd the Annunciations which Embassadours or Herald's sent by the Highest Powers make unto the Subjects; and as well the suafory, which we have mention'd, as the declarative, are wont to be comprehended under the one name of *Directive regiment*; from which differs the *Constitutive*, whether it ariseth out of *Consent*, a *Command*. That, out of consent, hath vertue to oblige all that have consented, by the naturall law, concerning the keeping of Covenants, in those things, which were in the right and power of the Covenanters. But they, that
have

have not consented, are not *directly* bound; *indirectly* they are, if three things concurr. First, that they are a part of the whole; Second, that the major part of the whole have consented; The third, that something must be necessarily Constituted for the conservation of the whole, or the bettering of it. Upon these conditions, all and every one are bound, not by any Right which the major part hath over them, as Superiour, but by that Law of Nature, which requires every part, as a part, to be ordered for the good of the whole. Which good oftentimes cannot be had without some speciall determination; and that determination can be of no effect, if it be lawfull for a few to undoe what was done by many. Hence it is, that the Companions of a journey, the partners of one ship, or of the same negotiation, & all Collegues are bound to stand to the decree of the major part, in those things only, that need some determination, and belong to that Community, whereof themselves are members. But the *Imperative* regiment obligeth by the intrinsecall force of its own supereminence; and the *regiments* of this kind, as hath been said, are either *Supreme*, or placed *under the Supreme*: and these again either derived from the Supreme,

preme, or of some other originall : these later, *ordinary*, as that perpetuall and primitive Government of the Father over his family, whence ariseth the authority of the Pedagogue and Tutour; *extraordinary*, such as God gave by speciall Commission to some men under the old Testament. The Powers derived from the Supreme, either have received a right both *to oblige and to act*, as the Prætorship; or *to oblige only*, as the Power of a Delegate. Without a right to oblige, there is no Power, for this is as it were, the naturall effect thereof.

8. Pastors have no coercive or temporall Power: proved by Scripture and Fathers.
1 Pet. 5. 3.

Antiq. 13.
2.

Let us now apply all this unto Pastors and Churches. The Apostles are forbid by Christ, the Presbyters or Pastors by the Apostle, *to rule as Lords* over Gods heritage; the word is applyed to *Kings*, Lu. 22. 23. and that is not only forbid, but *to exercise authority*, which as distinct from the other is given to *Great ones*, Mat. 20. 25. Mar. 1. 42. By the name of *Great ones* are understood such Princes as the Ethnarchs of the Jewes, which were stiled *Euergetæ*, as we may see in *Iosephus*, whence that of *Luke* may receive some light, *They that exercise Authority over them, are called Euergetæ benefactors*. If therefore such right as the Highest Powers have, and such as the

the Inferiour Powers have, be denyed Pa-
 stors; it followes that all Power is deny-
 ed them. Christ himself respecting his
state of a servant, denies *his kingdome to be* Phil. 2.
of this world; denyes (which is lesser) that Lu. 12. 14.
 he was *made a judge*. And unto the same
 state he called his Apostles. *We have not*
 (saith Chrysostom) *such power given us,*
that by authority of sentence we can restrain
men from offences. And saith Bernard, *I*
read that the Apostles stood to be judged,
I find not that they sate in judgement. Pa-
 stors are call'd in Scripture by the name
 of *Embassadours*, *Messengers*, *Preachers*;
 whose part it is, to declare the Authority
 of another, not to oblige men by their
 own. Their Commission is, *to speak what* 1 Jo. 1. 1.
they have heard, to deliver what they have
received, and no more. The Apostle him- 1 Cor. 11.
 self, concerning *Virgins*, because he had 23.
no commandement from the Lord, dares 1 Cor. 7. 25.
 command nothing; only he gives Coun-
 sell, withall declaring 'twould be no sin in
 her that should do otherwise; and admo-
 nishing the Corinthians to help those of 2 Cor. 9. 7.
Ferusalem, by some extraordinary lar- 8. 8.
 gesse, he addes, *not of necessity*: the reason 9. Their
 whereof went before, *I speak not by com-* Govern-
mand. The Government therefore, which ment Sua-
 is given to Pastors, when they are said to fery and
guide, Heb. 13. 7. 17.

1 Thes. 5. *guide, to rule, to feed, to be set over the*
 12. *Church, ought to be referred to the decla-*
 1 Tim. 5. *rative kind, or to that which meerly con-*
 17. *sisteth in persuasion.* Where the Apostles
 Jo. 21. 16. *or Pastors are read to have commanded,* it
 Act. 20. 28 *is to be interpreted by that figure by which*
 1 Pet 3. *they are said to remit and retain sins, that is,*
 to declare them remitted or retained. Nor
 is that to be taken otherwise, when God
 saith he set *Jeremy to destroy kingdoms,*
 that is, to pronounce the destruction of
 them. So also in those Letters of the El-
 ders and Brethren to the Churches of Sy-
 ria and Cilicia these words, *to impose a*
burthen, are to be expounded in like sort:
 for there is no new burthen imposed upon
 the Christians, (then it would follow, that
fornication, the avoyding whereof is a part
 of that burthen, was lawfull before this
 decree) but the duty of Christians is de-
 clar'd out of the divine Law; which would
 have free actions directed to the further-
 rance of other mens salvations, and all of-
 fences carefully avoided.

18. The
 Church
 hath no
 Power of
 command
 by Divine
 right.

2 Cor. 10. 4
 Eph. 6. 17.

That the Church hath no *Commanding*
Power by Divine right appears, because the
 Sword is the instrument of that power, (by
 the Sword is meant coërcive force:) but
 the armes of the Church *are not carnall,*
 neither hath She received any *Sword* from
 God.

God, but the *spirituall*, that is, the word *Phil. 3.20.*
of God. Besides, Her conversation is not
in Earth, but *in heaven*; she lives on earth
as a *stranger*, not as *free*; and strangers
have no right to command. Yet, since the
Church is a company, not permitted only,
but instituted by Divine Law (I speak of
the Church visible) it follows, that all
those things, which do naturally agree to
lawfull Companies, doe agree to the
Church also; so farre, as they are prov'd
not taken away. Among those things is the
Constitutive Government, which we called
by consent. Wee will bring two examples.
The law of the Sabbath being abrogated,
'twas at the Christians pleasure, keeping a
just proportion, to set apart what part of
time they would for the worship of God.
Now, because that worship, according to
the precept of Christ, requir'd a certain
Congregation of godly men, that part of
time could not be determin'd but by con-
sent. So the Apostles leading the way, and
the Church following, was dedicated to
holy Assemblies *the first day of the week*; *Act. 20.7.*
which also, in memory of the Resurrecti-
on, is called *the Lords day*. Again, the A-
postles being themselves not at leasure to
oversee the poor, the Church, by their
persuasion, Instituted the office of Dea-

rr. The
Chu ch
hath a
Gov rn-
ment Con-
stitutive,
by con-
sent: pro-
v'd by
reason,
and ex-
amples of
Scripture.
Col. 3.16.

Act. 20.7.
1 Cor. 16.2
Apoc. 1.20.

cons, and made election of persons to persons to performe it. In both places we find somewhat defined and constituted by consent, which without great fault none could gainsay. For, it was requisite that somewhat should be constituted; and that could not be, one or two dissenting, unlessse, either the minor part should give place to the major, or the major to the minor. This being unreasonable, that was necessary. This right of Constitution therefore, to the Church is naturall. But the Imperative Government, we have shewed above, not to follow from the nature of the Church: and yet that hindered not, but that both the Highest, and the Inferiour Authority may agree unto it. The Highest, if the faithfull unmixed with others, and free from all subjection, make up a Common-wealth of themselves. This seemeth to have happened to the Jewes in the times of the Maccabees; the Church had then the Highest Authority, yet, not properly as a *faithfull* people, but as a *free* people. An Inferiour Authority, and liberty to use their own Law, the same Jewes, not only in their own Land, but at *Alexandria* and else-where, have often had, with some kind of coactive Power, sometimes of more, sometimes of lesse extent.

12. The
Supreme
Authority
compati-
ble to the
Church:
the Inferi-
our only
to Pastors.

1 Mac. 4.
59.

tent; as it pleased the Supreme Governours, under whom they lived.

But, as for the Ministers of holy things, we have sufficiently shewed, that *no commanding Authority* agrees to them by Divine right, that is, flowing from the Institution or nature of the Ministry it self: as also, that the Highest Authority is incompatible with such a Ministry. Nevertheless, that Inferiour Authority ought alwayes to be separated from the Pastorall office; the antient Church never believed.

Whatsoever we have given to Pastors, ^{13. The Authority of the H. Powers not overthrown, by the directive & declarative regiment of Pastors.} derogates nothing from the Authority of the Highest Powers over Sacred things; for the *Directive regiment*, consisting in the giving of counsell and declaring of the divine command, is quite of another kind. And 'tis no marvell if the same person do govern, and is govern'd, in a divers kind of government; for the Counsellour governs the King by perswading; He that is skill'd in Naturall right, by declaring divine Law; the Physician and Pastor both wayes; yet hath the King command over them all, and that the Highest. The Government by consent, although *Constitutive*, is also subject to the Empire of the Highest Powers; because no man, by consenting, can conferre upon another more

^{14. Nor by the constitutive;} right,

right, than he had himself. For this Obligation, arising from the Liberty of every one, is not larger than that liberty; but, they have not liberty, being single, to do any thing against the Command of the Highest Power, (except the things which God commands:) therefore they have no right to bind themselves so farre. Besides, two Constitutive Governments, unless subordinate one to the other, cannot consist, nor can any Subject be obliged to contraries, as before is said; which is the reason why the Paternall and Priestly government of the Old Testament (for the Aaronicall Priesthood was never without Authority) was by God subjected to the Royall. Lastly, that Authority, which is allowed to Pastors by the Supreme, being both subject to it, and wholly proceeding from it, is so farre from overthrowing, that it plainly confirms the right of the Supreme; for the cause is known by the effects, and that which gives Authority to another, hath it selfe more Authority.

14. Nor by any temporall power given them by Positive Law.

CHAP. V.

*Of the Judgement of the Highest Powers
about Sacred things.*

THe Authority of the Highest Powers about Sacred things being clear'd we come to that which pertains to the right use of this Authority. The Commands of Authority must proceed from Judgement. 1. The word, Judgement, explained. Judgement properly denotes the act of a Superiour, defining what is just between two parties; and the Highest Judgement is that of the Highest Power; for the Lawes and Decrees thereof cannot be nulled or repealed by any Higher: although obedience to such Lawes and Decrees be not absolutely due, but so farre as it may be given, without violation of Gods command. Now, as the Authority is extended to Sacred things, as well as Secular; 2. It pertains to the Highest Power. so is the Judgement too, according to which the Authority is used. Indeed, some Kings and Emperours have seemed to reject from themselves the Judgement concerning Religion: but, that was either because they found themselves unfit, and unable to performe that office; or else, they meant only (as the Great King of Britain interprets his own words, and some of the

3. Not-
withstan-
ding, that
they may
errie.

antient Emperours) that they did not arrogate to themselves (as the Pope of Rome doth) a Judgement *infallible*. The truth is, all Humane Judgement is subject unto error; and unlesse we will take away all Judgement out of the world, we must acquiesce in some Highest: whose errors are to bee reserved to the Judgement of God. If you grant this Highest Humane judgement (I speak not of *Directive* judgement, but *Imperative*) it will not follow thence, that Pastors and other Christians may, upon the judgement and command of the Highest Power, omit the necessary duties of piety and charity: for (as above hath been shewed) the commands of the Highest, bidding or forbidding, whether in Sacred things or Secular, bind us not, to doe or omit any thing against the Law of God, either Natural or Positive; but only to suffer; and that only where the paine cannot be avoided but by contrary force.

4. Not-
withstan-
ding, that
Christ is
Supreme
Judge.

The Supreme Judgement of Christ doth no more deny this Judgement which we speak, than his Authority the Authority of the Highest Powers. Legislation carrying with it, by its own vertue, the reward and punishment eternall and *finall judgement*, according to the Law

Law, is the Prerogative of Christ alone. In the meane time, Christ speaks by his Spirit, by Divine Judgement; yet doth not Humane action follow that Judgement, unlesse Humane Judgement be interposed. Which, as it belongs to every Christian, in respect of his private actions; so, in respect of publike, and of private, that are govern'd by publick Authority, it belongs to the Publick Powers, and to the Highest in the Highest degree.

Brentius long agoe saw this, whose words are these: *As a Private man hath a Private, so a Prince hath a Publick Power, to judge of the Doctrine of Religion, and to decide it.*

They that make the Scripture Judge, think rightly, but speak improperly: for if we speak exactly, the Scripture is the Judge. *Rule of judging*; and the same thing cannot be, both the Rule, and the Judge. In the same kind of speech, the *Law* is said to *Judge no man unheard*: and, *The word which I speak, saith Christ, shall judge them at the last day.*

To the Pastors and others that have their senses exercised in the Scripture, and to the Churches, but especially, and in the Highest manner, to the Catholick Church, agrees a Judgement concerning Sacred things; for every one, as *Aristotle* saith,

rightly judgeth of those things which hee understandeth. But this Judgement is of another kind; for it leads the way to their own actions, and the actions of others, by directing, not by commanding. And, it is not absurd to grant two Highest Judgements of severall sorts, such as are the *directive* Judgement of the Catholick Church, and the *Imperative* of the Highest Power; for there is no Judgement among men higher in esteeme than that, none higher than this in Power.

7. Understanding is required unto Judgment.

Now seeing there are two enemies unto judgement, *ignorance*, and *ill-affections*; to the end, the Supreme Governour may rightly exercise the Judgement that belongs unto him, he hath need both of knowledge in Sacred matters, and of a mind truly Religious: things so united one to the other, that *Religion encreaseth knowledge, and knowledge Religion*, as *Lactantius* hath plainly shewed.

There is in *Tacitus* an excellent forme of Prayer for the Emperour, that *God would give him an intelligent mind both in Humane and Divine Law*. But as far as Divine things excell Humane, to much more glorious, more profitable, and more necessary, is the knowledge of Divine things, than of Humane. Therefore is the King

King so strictly charged, to write himself ^{Deut. 17.8} a Copy of the Law, to keep it with him, and read therein all the dayes of his life; and, to Joshuah saith God, Let not this book of ^{Jos. 1.8} the Law depart out of thy mouth, but meditate therein day and night; and in the 2 Psalme 10. verse, which evidently respecteth the times of Christ, Be wise O ye Kings, be learned ye Judges of the earth. The pious Hebrew Kings, of old, obeyed these admonitions: and so did the Christian Emperours. Theodosius and Valentinian: Among other cares, which our vigilant Love of the Common-wealth hath imposed on us, we perceive the principall care belonging to the Imperiall Majesty, is the search of Religion; by the conservation whereof, we may hope for successe in all our enterprizes. And saith Justinian, Our greatest sollicitude is concerning the true knowledge of God, and the honour of his Ministers. These precepts and examples prove, that the King ought to be skilfull in Religion.

Yet, there are some that Object, and say, it cannot be that one should well attend to any in particular, who hath upon him the weight of all affairs. To whom we answer: there is as it were a naturall coherence between the generall know-
ledge ^{8. The Highest Powers, capable of sufficient understanding.}

ledge of all, and the more exact knowledge of the most noble part. So doth the Metaphysiloger generally considers all that is, and specially things incorporeall: the Physiologer, all that moves, and Heaven above the rest. Even so, ought the Architect of a Common-wealth to have a generall view of all affaires and studies, but a neerer and more curious insight into those of the Church.

9. Divine things, that are necessary, are easy to bee known.

Neither is the knowledge of Sacred things so intricate, as some would make it. *Theology, saith Nazianzen, is a thing simple and naked, without any great Artifice, consisting of Divine Testimonies; which yet is depraved by some men, and turned into an art of very great difficulty.* I speak of those things which are substantiall points of Faith, and belong to the body of Religion; for there bee other things, partly Metaphysicall, partly Historicall, and also partly Grammaticall, which by Divines are often handled, with great contention and clamour. With these, it is not necessary, the mind of a King should bee over-busied; no more than with the subtilties of the Law, whereof the prime Titles are very needfull to be known. There is a kind of intemperance in the desire of knowledge; and the

the wisest man is he not that knowest most, but that knoweth what is most usefull. What the Apostle said to all, let the Highest Powers apply unto themselves, *Rom. 12.3.* and be wise unto sobriety.

In whatsoever is expedient and sufficient for them to know, the Divine ayde ^{10. Help from God, by Prayer.} will not be wanting: which will easily supply the defect of time. One of the Antients said, *He had learned more by praying, than by reading.* God is not deaf to these prayers of the Church: Give the *Ps. 72.1.* King thy Judgements, O God, and thy righteousness to the Kings Son. Thou hast made *Ps. 51.8.* me know thy secret wisdom, saith David. *Salomon* was very yong; he knew not how to direct his steps; the multitude of his subjects, the weight of his affairs sate heavy on him; and *who*, saith he, *can be able to Judge this so great people?* Therefore he prays God to give him an understanding heart, that he might judge the people, *1 Reg. 3.* and discern between good and evill. What answer doth God returne? Because thou hast not asked long life, nor riches, nor the life of thine enemies, but understanding to heare judgement: behold, I have done according to thy words: behold, I have given thee a wise and an understanding heart. God and Nature, as they say, are not wanting

- wanting in necessities. Wherefore, since Empires are ordained by God, and that especially for the safeguard of true Religion, what can be more agreeable to the Divine goodnesse, than to afford unto them that humbly pray for it, whatsoever is necessary to their Function? In the old Testament, God hath often endued the powers with the gift of Prophecy. *In these last dayes He hath spoken to us by his Son.* In whom, God the Father hath open'd all his Counsell, concerning the Salvation of men. After him, there are not more Masters now, but *one is our Master*, Christ, of whose fulnesse we have all received. No new Revelation (as of old) is now requir'd, but only the promulgation of that which is revealed. Nor hath any man cause to complaine of Obscurity or Subtility; *the word is nigh unto us, in our mouth and in our heart.* This Doctrine is hid to none, whose eyes are not *blinded by Satan*. And therefore all are said, *taught of God*, all knowing God, Christ having in some sort fulfilled that desire of Moses, who wished *that all the Lords people might be Prophets.*

And if the understanding of the Gospel be so easy and at hand to all Christians, among whom are so many rude and

and busied, that get their living by perpetuall labour of their hands; what is it that can exclude Kings from a benefit so generall? especially when the Apostle hath applied that Universall, *God would have all men to come to the knowledge of the truth,* unto Kings especially. In this confidence, the Emperour *Theodosius*, being in the cause of Religion to pronounce judgement between severall sects, in private implor'd the Divine help, and obtain'd it. *Justinian* obtain'd the same, in setting forth such a Confession of Faith, than which none of the Fathers or Bishops set forth any more full, or more luculent. Certainly, the things which are necessary to be believed and done, and those also, which though not necessary, are of any great moment in the Church, are but few in number, and very obvious, shining forth, first in the Sacred Scripture, and afterward in the perpetuall consent of more pure Antiquity. The rest can hardly put the Highest Power to any trouble: and yet, if any suddain difficulty and unexpected shall arise (which happens more oft in Secular, than in Sacred things) time may be taken and faithfull Counsels. Thus far of knowledge.

The

11. Piety
is also re-
quired in
the Higher
Powers,¹⁰
enable
them to
judge.

Deut. 17.

19.

Jos. 1. 7, 8.

1 Tim. 1.
6. 7.

12. A di-
stinction
twixt the
rectitude
and the
validity
of an acti-
on apply-
ed.

The other part, which we require in the Highest Power, is Piety. No vertue is more worthy of a King. Hence is it given in Precept to the King of the Hebrewes *to learn to fear God, and observe the words of his Law: to Joshua, not to depart from that precept, either to the right hand, or the left.* The same is often inculcated to the Kings by the Prophets. Two faults there are to be avoyded by the Highest Power: first, and above all, that greatest of spiritual Maladies, Atheisme; Superstition next, which effeminates the mind, and overthrowes all generous Counsell. 'Twill be a very good caution against both, to think often of that Apostolicall speech: *The end of the Commandement is Charity, out of a pure heart, and a good conscience, and faith unfeigned; from which some having erred, turn aside to vain jangling, willing to be teachers of the law, when they neither understand what they say, nor where of they affirm.*

We have shewed what is requir'd in the Highest Powers, that they may rightly exercise the Right they have: But here we must not forget to observe, the distinction between the *rightnesse* of an action, and the *firmnesse* of it. For example; a Judge unskilfull of the Law, hath pronounced a

wrong

wrong sentence; the Judge hath done amisse, yet is not the Sentence null, but unlesse an Appeale followes, it passeth into a judged Case. A private man, that is master of his own estate, hath prodigally made away his goods, the alienation is valid, although the act be vitious. If parents be harsher to their Children, Masters to their Servants, than is fit; they are in fault, yet is obedience due unto them. There be many cases of like nature. The reason is, because many things are requir'd to make the action *right*; it must proceed from an understanding well inform'd, and an honest purpose of mind; it must be done in due manner, and with fit circumstances: to make the action *firme* only one thing is needfull, that the Agent have a right to doe it. Now an act may be out of the Agents right, either *absolutely*, when the effect is unlawfull, by it self, or by reason of some Law; or *relatively*, when the effect is not under the Agents power and authority. Naturally, and the law Positive seclused, no act can be frustrate, but whose effect hath either some viciousnesse annexed, or else is beyond the Sphere of the Agents power. In the former respect, the command of a Father, Master, or King, is frustrate, when it enjoynes Idolatry, or

alſe : in the later, the command is fruſtrate, of a Maſter to the Servant of another man, of a King to one that is not his Subject, of whomſoever over actions meerly internal, ſuch as have no relation to the outward. We conclude therefore, that the fault either in the underſtanding, or the affection, makes not void an act of Authority ; but the Commands of the Higheſt Powers are valid ſtill (being not contrary to Gods law) though they have not true opinions of things Divine, or ſerve not God aright.

13. Inſidel Princes may judge of Sacred things. Examples hereof.

Examples hereof are many. *Pharaoh* was a wicked King ; yet durſt not Gods own people goe forth beyond the bounds of *Egypt* for to Sacrifice, without his permiſſion : for although *Sacrifice* was by Divine Command, and out of the royall Power ; yet the place being undefin'd by God, was not exempted from the obedience they owed unto the King. *Nebuchadnezzar*, I think, no man will affirme to have been throughly of the true Religion ; His law of honouring the God of *Iſrael* was no leſſe valid, than that other of worſhipping the Idol vain. *Cyrus* and his Succeſſors, as *Hitories* relate, were given to the worſhip of falſe Gods ; yet, without their leave, might not the *Hebrewes* re-
build

build the Temple, for the service of the true. And, although the godly chose rather to compose their controversies among themselves, yet being called before heathen Judges, they acknowledged their Power, and by necessity of the times were oft compell'd to implore it: knowing, that the right of judging might belong even to them, that were, of themselves, unfit to give right judgement. The controversie about the Temple of Jerusalem, and that of *Garizin*, was debated and determined between the Jews and Samaritans, *Ptolomy* King of *Egypt* being judge; for although the King did not himself adhere to the Mo-
saicall ordinances, yet was he able to judge, and he did rightly judge, which Temple of the two, which Worship and Priesthood, was agreeable to that Law; by which, it was confest, the judgement between the parties should be giv'n. *Felix* was a wicked man; but being the Vicegerent of the Roman Emperour, *Paul* is accus'd before him by *Tertullus*; many crimes are objected to him, and among the rest, that he was Prince of the Sect of the *Nazarenes*. He denies the rest, this he confesseth; that he worshipt God, after that way which they call'd a *Sect*, or *Heretic*. The Question is, whether this be a Crime: and one of the

Act. 14.

G

particu-

particulars to be enquired of, is concerning the *Resurrection of the dead*, a principal point of faith. The same Controversie being after brought before *Festus*, *Paul* acknowledged his Right to judge: *Here*, said he, *I ought to be judged*. And, fearing the Judges partiality, *He appeales to Cesar*, the Highest Judge; before whom he pleaded not his own cause onely, but the Gospel. For the Question was, *whether to preach the Gospel were a Crime*. *Paul* denies, upon this ground, because the Gospel was a true and saving doctrine. In this cause, the worst of Princes is acknowledged for Imperiall Judge by the best Apostle. And, according to his duty he had acquitted *Paul*, (as many think he did at the first Hearing) his Sentence had been firm, and had cleerly given the Apostle a Right against the Jewes. But having condemned him, and in him the Gospel, the Sentence was null and frustrate; that is, it could not bind *Paul* to cease his Preaching; yet was it firm, so far, as to bind him from resisting the Prince imposing penalty. *Festus* *Martyr*, and other most learned of the Christians, presented their Apologies to Emperours not Christians, to the end they might approve the verity of the Christian faith to those Judges. For, although a

regenerated by the Spirit of God is the fit-
 test Judge of Spirituall things ; yet, that
 the gift of illumination ; which respects
 the understanding (wherein the Judge-
 ment is) is given also to many unregene-
 rate, no man hitherto hath denyed. Nei-
 ther hath any man heretofore reprehended
Austin for these words, extant in that
 book, wherein with much pains he defend-
 eth Grace : *Certainly some men have in*
them naturally a divine gift of understand-
ing, whereby they are mov'd to believe, if
they heare words, or see signes, that are con-
gruous to their mindes. And truly, how can
 it be said, that none but true believers can
 have a true judgement concerning Sacred
 things, when as the Faith it self cannot be
 embraced, but by judgement ? Wherefore
 'tis said to all, *Search the Scriptures :* and
 they of *Beræa* are commended, that having
 heard *Paul* and *Silas* preach, *they searched*
the Scriptures, whether those things were so.
 This could not be done without judge-
 ment ; as the Syrian Interpreter hath well
 exprest the sense, *Judging out of the Scrip-*
ture. If then They, that doe not yet be-
 lieve, have some right to judge, private
 men for their private acts, and the Powers
 for publick ; much lesse is it fit to ex-
 clude from judging, such as having given

14. And
 the reason
 of it.

*De bone
 perser.
 cap. 14.*

Jo. 5. 30.

Act. 17. 11

15. Cate-
 chumens
 not exclu-
 ded from
 Judge-
 ment.

16. Right
to judge
is one
thing, A-
bility a-
nother.
And this
illustrated
by Simi-
les.

assent unto the true doctrine, by some infirmity of their mind doe yet abstain from participation of the Sacraments; for *Constantine* the Emperour, before he was Baptiz'd, did with the approbation and praise of the Bishops, make Lawes concerning Religion, call Synods, give sentence in the Synod and after, sate as Judge between the Catholicks and the party of *Dionatus*. And *Valentinian*, after he had enacted many Lawes about Sacred things, departed this life without Baptisme. Much lesse yet, may the Highest Powers be deprived of this Judgement, upon this pretence, that they have not skill in all those things which are wont to be disputed by Divines. If this reason prevail, how many Pastors, honest and faithfull, but not of learning enough to be Doctors, must be denied to judge? And, by that reason, Lawyers might intrude into the Seat of civill Judges, because they are more skilfull in the Law; and the Judges in City and Country, concerning Wills, and Contracts, and such like things, are rather good men, than good Lawyers. Adde further, that in the Case of Homicide, it is his part to judge, that hath not learned Physick what wound is mortall, what is not: and whether a child may be born in the ele-

vent

venth month, and many things of like sort. Whence it appeareth, the fitnessse and *ability of judging* ought not to be confounded with the *right of judgement*, which is publick and Imperative. He that is most fit hath not alwaies the right; and he that is unfit, doth not lose it. I conclude this with *Plato's* saying; *Happy are the Commonwealths, wherein either Philosophers are Kings, or the Kings given to Philosophy*: Yet may not the Philosopher invade the Royall throne, nor the King be thrust out of it, that is no Philosopher.

It is objected, *The spirits of the Prophets* 1 Cor. 14. 31. are *subject to the Prophets*. Many of the antients both Greek and Latine, understand St. Pauls meaning to bee this; They that are inspir'd with Prophecy must not all speak to the people at once, but one expect the ending of the others speech; for they are not like the *possessed*, transported by the inspiration, but so far Masters of it, that they may use the gift of God without confusion, and in that order, wherewith God is best pleas'd, and his people edified. There is no cause to reject this Interpretation, which the *series* of the Apostles discourse so fairly admits. The other Interpretation, that the Prophets ought to suffer other Prophets

17. The Judgment of the Prophets not privative of the Highest Powers.

to judge of their Prophecies, is not pertinent here. For first, seeing that singular gift of Prophecy, as of healing, and tongues, was marvellously ordeined by God for the beginnings of the Church, and is long since expired, it cannot be applied by way of argument unto our times. And, grant you may compare unto that admirable gift (manifested also by the prediction of things to come) the Theologicall skill, what ere it be, acquir'd by Humane labour; yet will not they obtaine their desire, who would have all Pastors, and them alone, to be knowing in Theology; for there are many Pastors not very expert; and some that are not. Pastors are of good skill in things Divine. Lastly, there being divers kinds of judgement, as hath bin spoken, the establishment of one is not the destruction of the other. The same disease or wound falls under the judgement of the Physician, and of the Judge, if it come in question before him, and of the sick man himselfe. And, when the Prophets judged in the Apostolicall Church, it was said to every Christian, *Try the spirits*: yea, St. *John* layes down a Rule, by which every one of the faithfull might discern the Spirit of God from the Spirit of Antichrist. Where

Deut. 18.
22.

1 Jo. 4. 1.

unto answers that of Paul to the Thessa-^{1 Thes. 5.}
lonians: *Quench not the Spirit: Despise*^{19, 20, 21.}
not prophecyings: Try all things, hold fast
that which is best. But without all que-
stion, this Tryall and distinction of things
is an act of judgement. And in that place
of the Apostle, *Let the Prophets speake*^{1 Cor. 14.}
two or three, and let the other judge; the^{29.}
most antient Fathers by the word, *other,*
understand not the other Prophets only,
but all the people: not without great rea-
son; when as elsewhere *the discerning of*^{1 Cor. 12.}
Spirits is, by the same Apostle, distinguished^{9.}
from the gift of Prophecy. Whence it
appears, he meant either some gift Com-
mon unto Christians (for *Faith* also is
numbred among the Gifts, distinct from
the gift of miracles) or a certaine excel-
lent faculty to judge of Prophecies, where-
with some, that were not Prophets, were
endued. The Apostle Paul himself bids^{1 Cor. 11.}
the *Corinthians judge what he saith.* And
the Holy Fathers often appeale unto the
judgement of all the people. So Ambrose:^{Epist. 33.}
Let the people judge, in whose heart is writ
the Law Divine. All this we have al-
leg'd, to manifest that the judgement of
things Sacred, and of the holy doctrine,
did at no time belong to the Prophets
only.

18. The
Kings of
the old
Testa-
ment jud-
ged not as
Prophets
only, but
as Kings.

Whence also it may be understood how poore their Evazion is, who reply to the Arguments out of the old Testament, and say, the things there done by Kings were not done by them as Kings but as Prophets. For, if by the name of Prophet, they meane, some speciall Mandate of God was given them; this is where the Scripture is silent, a meer divination, so far from certaine, that is not probable. What need any speciall Mandate, when the Law was extant, unlesse perhaps to incite the negligent? but if by Prophecy they meane a clearer understanding of the Divine will, proposed but darkly in those times; we easily confesse, they did as Prophets (since they would have us say so) know more certainly what was to bee commanded by them; but they commanded as Kings. And for that cause, the Scripture in the narration of those affairs, not content with the proper name, added the name of Kings to signify, the Right of doing proceeded from the Authority Royall: and therefore to be imitated by Kings. Wherefore, let us also say, when Christian Kings give Commandements about Sacred matters, they have the Right to doe so, as they are Kings; the skill, as Christians,

as taught of God, having the Divine Law inscribed on their hearts in a clearer Print than those antient Kings and Prophets; *For many Kings and Prophets (saith Christ Luke 10. to his Disciples) have desired to see the ^{24.} things that ye see, and have not seen them; and to heare the things that ye heare, but they have not heard them.*

CHAP. VI.

Of the manner of rightly exercising Authority about Sacred things.

WE distinguish the Right of the Highest Powers, and the manner of Using their right; for 'tis one thing to invade that which is belonging to another, and an other thing to use improvidently that which is ones own. So great is the variety of things, times, places, persons, that we might here make a long discourse, but we shall briefly collect what may suffice for our purpose.

First then, it behooves him that hath the Supreme Authority, both in the inquisition of that which is by Law Divine determined either to be believ'd or done, and in consultation about what is profitable for the Church, to lend a willing care

1. The Right, & the Use of it distinct.

2. Pious and learned Pastors to be consulted by the Highest Power.

care to the judgement of eminent Pastors for their piety and learning. That this is to be done in doubtfull matters, reason and common sense demonstrates; for one man cannot see, nor heare all things therefore said the *Persians*, *A King may borrow the eyes and ears of other men. By the Commerce and Society of wise men Princes become wise*. Which sayings if they are true in secular affairs, how much more in Sacred, where the error is most dangerous? For the proof hereof we need not allege examples: it will be more worth our pains, to consider how far the judgement of the Supreme Governour may and ought to acquiesce and rest in the judgement of Pastors.

3. Principles of Faith Intrinsecall Extrinsecall, Divine Humane.

We must note therefore, that all Humane judgement is founded either upon internall principles, or upon Externall; the Internall are either objected to the sense, or to the understanding: by the former, we judge the Snow to be white, by the later, we judge Mathematicall Propositions to be true, because they are reduced to common notions. The Externall principle is *Authority* or the judgement of another; and that is either Divine or Humane: no man doubteth but that in all things he must acquiesce to Divine Authority;

thority; so *Abraham* judged it to be his duty to offer his Son; So *Noah* believed the Flood would come. But, to Humane Authority no man is bound to acquiesce, unlesse he can find no way to fix his judgement upon Divine Authority, or upon some Internall principle. Yet may we acquiesce thereto in all things, the search whereof is not commanded us. So the sick man doth well, if he take a Medicine prescrib'd by a Physician of good fame; yea, being in perill of death, he is bound to follow the Counsell of Physicians, if himself be not of that wit and skil, to make a certaine judgement upon principles of nature. As to Divine Authority, God reveales some things, and proposes them himself; other things, He reveales himself, and proposes to men by others, as by Angels, Prophets, Apostles. Whensoever the thing is propos'd by others, before the mind can fully rest, it is necessary we be assur'd, the Proposer can neither be deceiv'd, nor deceive, in the thing that is proposed. This assurance we obtaine, either by some other Divine Revelation, as *Cornelius* concerning *Peter*, *Paul* concerning *Ananias*: or else by signs of Divine Power, yeilding undoubted testimony to the Veracity of the Proposer.

That

4. Of Divine Authority proposed by men.

That wee must acquiesce to every Proposition thus made, no Christian doubteth.

§. And
the state
of the
question
'twixt
Protes-
tants and
Papists.

But between the more subtile of the Romanists, and those of the Evangelical Church, this is the true state of the Question: *Whether since the age of the Apostles there be any visible Person, or Company, whose Propositions we may, and ought to receive, as undoubted truths.* The Evangelics deny, the Romanists affirm. Hither is also brought this great controversy of Government in Sacred things: for the Romanists doe not deny Kings to Govern; this *Hart* granted to *Renolds*: they doe not deny all Government to proceed from the judgement of the Governour; this *Suarez* plainly affirms. Neither doe the Evangelics deny the judgement of Kings, as well as of private men, to be determined by Divine Oracle, if there be any such, if there be any Prophets that cannot erre: for all men are under God: but, *whether there be any such since the Apostles*, thats the Question; and that at last is reduced only to the Pope; for that single Pastors, Kings also, and private men, Synods Provinciaall, Nationall, Patriarchall, and even they that were gather'd out of all the Roman world,

world, are fallible, and have been in error, no man can deny.

Wherefore, supposing that which is most true, and which some of the Romanists doe grant concerning the Pope himself, *That every man in the world is subject unto error*, (for any thing that we know,) yea, every Congregation also, that is visible: let us see how farre one is bound to follow the judgement of another that is thus fallible.

First we say, no man is bound to follow anothers *Directive judgement* universally. *Chrysostom* of old hath said the same: *How absurd is it, in all things to be sway'd by the sentence of other men?* For, possibly wee may be certain, either by internall Principles, or by Divine Authority, the judgement or sentence is false. That any private man, grounding his sentence upon the Gospell, is to be believed before the Pope, is confes'd by *Panormitan* and *Gerson*. And the pious Bishops who had learned out of the Gospell, that *the Word is God*, and God only *One*, did well in not giving place to the judgement of the Synod at *Ariminum*. Moreover, even when the mind doth not plainly witnesse the contrary, yet is no man bound precisely to follow anothers *Directive judgement*: because it is lawfull for him

6. When 'tis fit to rest in humane Authority.
2 Cor.
Hm. 13.

him to enquire and try, whether himselfe be able to aime at the knowledge of the Truth: Then he is bound to follow, when by defect either of wit or time, or by other businesse, he is diverted from that inquiry. So the Lawyers teach, that a Judge is not tyed to the judgement of a Physician in the question of a wound; or of a Surveyor in limiting the bounds, or of an Arithmetician in taking of Accounts; but that himself, upon diligent consideration of the matter, may decree that which he conceiveth most agreeable to truth and equity.

7. No man may pin his faith of salvation upon another: proved by Scripture and reason.

Rom. 4. 3.
10. 17.

Jo. 4. 28.

But further, in the case of saving faith, no man can *safely acquiesce* to the judgement of another. The reason is, not only because matters of faith are plainly and openly propos'd unto all, (so that *Clemens of Alexandria* calls it a vain pretext, taken from severall interpretations, for *they that will*, faith he, *may find out the Truth*;) but chiefly, because that faith is not faith, unlesse it rest upon Divine Authority, as the Romanists themselves confesse. *Abraham believed God, and it was accounted unto him for righteousness*: Also, *Faith comes by hearing, and hearing by the word of God*. Wherefore, although men may be led unto the faith by others, as the Samaritans by that woman, yet then are they only right

right believers, when they believe *not for the words of another, but because themselves have heard, and doe know, that Jesus is the Saviour of the world.* What hath been spoken of faith, is no lesse true of Divine worship: for, *in vain*, saith God, *doe they worship me, teaching for doctrines the Commandements of men.* And Paul commends the Thessalonians, *that they received his word not as the word of man, but as indeed it was, the word of God.* We conclude then, that in the things defined by Divine Law, either way, no man is bound by anothers *Declarative* judgement (which is one kind of the *Directive*) nor can his conscience safely rest therein.

In the other kind of *Directive judgement*, which we here called *Suasory*, because it is conversant about things not determined by Divine Law, more may be given to the Authority of another, yet not too much. For, as we doe not praise them that are too stiffe in their own opinions; so neither them, that are too easily drawn by other mens. And herein consisteth the difference between *Counsell* and *Command*, that commands, not contrary to the Law of God, lay upon us an obligation, which Counsels doe not. *He that giveth counsell, (saith Chrysostom) speaks his own opinion, leaving*

Mat. 15. 9.

1 Thes. 2. 13.

8. In matters not determined by Scripture, more may be given to Human Judgement.

leaving the hearer at liberty to doe as it shall please him.

9. The Prince must use his own judgement, especially where Counsellours doe not agree.

Now, if the opinions of Counsellours (which must be weighed rather than numbered) doe not agree, there especially ought the Supreme Governour to interpose his own Judgement. And truly, in the knowledge of private right, in Physick, Merchandise and such like things, it is not only excusable, but often-times commendable for the Highest Power to be ignorant, by reason of greater and better cares. But to neglect the knowledge how to rule the Church, than which no knowledge is more excellent, none of more importance to the Common-wealth, this at no hand is lawfull. Those that have eased themselves of this duty, and cast it upon others, wee find by Histories to have been circumvented by men, and punisht by God; and either to have lost their kingdomes, or else being deprived of the Power, to have reserved only the name and shadow of Kings.

10. An objection our of Deut. answered.

The Objections out of the Old Testament, to prove that Kings are bound to follow the Pastors judgement in Sacred things, doe evince nothing lesse. To the first place *Deut. 17.* where the Israelites are commanded to doe according to the sentence which the Priests shall declare unto them:

them : we answer, that the *Judge* is also mentioned there, and Sacred things are not spoken of peculiarly, but any capitall or pecuniary Controversies. *If there arise* Deut. 17. 8 *a matter too hard for thee in judgement, between bloud and bloud, between plea and plea, &c.* The Law speaks to the inferiour Judges, and in things they understood not refers them to the Senate, wherein were Priests and other Judges, all most knowing in the Law : nor are those lesser Judges bound to the Authority of these, but to the Law they should explain : *According to the sentence of the Law, which they shall teach thee, and according to the judgement which they shall tell thee, shalt thou doe.* Just as if a King should now command the Judges, to judge nothing contrary to what the Lawyers shall shew them to be lawfull : when yet Lawyers themselves declare, the Judge is not alwayes tyed to the declaration or opinion of the Lawyers. Pertinent is that in the Gospell : *They sit in Moses* Mat. 23. 2. *chayr, all therefore whatsoever they bid you observe, that observe and doe ;* which is well explained by *Stella* and *Maldonat*, though Romanists ; *so far as they teach what Moses sitting in his chayr hath taught, they must be heard.* Only so farre ; for the Teachers rashnesse will not excuse the over-
H credulous

Deut. 17.
12.

credulous Scholer. That which followes in *Deut.* concerning the punishment of the man, that will not hearken unto the Priest, or unto the Judge, evidently shewes, that the Priests did not only give answer upon the Law, but enjoyed also a part of the Government, as elsewhere we have demonstrated; wherfore this concerns the Priests of the Old Testament, as they were Magistrates, and cannot be extended to the Ministers of the Gospel.

11. Another out
of *Numb.*
27.

There is another place, wherein some do much glory. *Num.* 27. 21. God speaks of *Joshua* in this manner; He shall stand before *Eleazar the Priest*, who shall ask counsel for him, after the judgement of *Urim* before the Lord: at his word shall they go out, and at his word they shall come in, both hee and all the children of *Israel* with him, even all the Congregation. But this place also, if it be rightly understood is far from the purpose. It is certain, the *Urim*, (which in other places is more fully the *Urim* and *Thummim*) was in the *Ephod* or pectoral of the Hebrew High-Priest. The manner of answering by *Urim* and *Thummim*, as the Jewes relate, was thus; If the matter, upon which the Question was, should succeed happily, the precious stones would sparkle with a heavenly lustre: if otherwise,

wife,

wife, they would not change their native colour. And learned men have observed out of *Maimonides*, that the High-priest was wont to stand before the Prince for honour sake, but the Prince stood not before the Priest, unlesse Urim were consulted; whereby it appears, the honour was done to the Oracle, not the Priest; and according to the judgement of Urim, that is, the judgement of God, not of the Priest, *Joshua* must go out and in. Compare with this, another place very like it, *1 Sam. 30. 7*. If the Ministers of the Gospel will make any use of this, then let them propose to Governours our Gospel-Urim, that they may there behold the Divine threats and promises; and let them require obedience not to themselves, but it; which shines by its own light, and is placed, not in the Pastors only, but all Christian hearts, being *that saving Grace which hath appeared unto Tit. 2. 11. all men*. But enough of this first admonition, That the Highest Power ought, in matters of the Church, to hear and examine the opinions of Church-men.

Another generall admonition pertaining to the manner of exercising the Supreme Governours Right, is this: *That He must have a special care of Ecclesiasticall Peace and Concord*. This is as it were the very

12. Care must be had of the Churches Peace and Unity.

- Jo. 13. 35.* Soul and life of the Church. Hereby, saith Christ, shall men know that yee are my Disciples, if ye love one another. And it was the Divine character of the Primitive
- Act. 4. 32.* Christians, The multitude of believers was of one heart and soul. Nor had Constantine, and after him the other Christian Emperours any greater care, than to prevent or heale the dissensions of the Church. Julian on the contrary, hating the Christians with an implacable hatred, could invent no way to hurt them worse, than by opening a wide way for Schismes and divisions. This he did, saith Ammianus, that the discords of the people being encreased by license, they might not be any terrour to him. And, saith Austin, By this means he thought to destroy the Christian name, if out of his envy to the Churches unity, whence he had fallen, he permitted sacrilegious dissensions to be free from censure. All pious men may pity these our Times, being as sick of the same Licence, as ever was any Age. Whether it be more the Pastors, or the Princes fault, see the Testament of the Prince Elector, worthy to be read by all the friends of the Church, and let all Princes know, that it very much concerns them, as Austin speaks truly, to procure, that the Church, their mother, may have peace and quietness in their time.

The Cautions, which conduce to Unity, are principally these: First, *Abstain from deciding Questions, as much as may be*: that is, saving the Doctrines necessary to Salvation, or very profitable to that end. 'Tis *Nazianzen's* advice, Enquire not curiously into the manner of every thing; and *Austin* saith, *In some things even the best and most learned Catholicks doe not agree, and yet the body of faith is still entire.* This modesty of defining, the Fathers in the *Nicene Synod*, and the first of *Constantinople*, and the Moderators of them the Emperours have observed; for having set down this Confession, that the Father, Son, and Holy Spirit are distinct from one another, yet one God, and of the same Essence; in explaining the manner of difference between the Essence and Hypostasis, they were not solicitous. The Bishops at *Ephesus*, and *Chalcedon*, and the Emperours of those times, having defined, that the person of Christ is one, his Natures two, thought it not fit to enquire subtilly into the manner of hypostaticall Union. In the *Milevitane* and other Synods, the Fathers and the States-men present, for the vindication of Gods grace, pronounced plainly against *Pelagius* and his Reliques, *That without the Divine grace, nothing*

13. Cautions and Rules conducing to Unity. Few Decisions, in points of Faith.

spiritually good, can be begun by man, continued, or perfected: but many things sharply disputed about the order of predestination, and about the manner of reconciling mans free will with Gods free Grace, they passed over with a prudent silence. All the Fathers of the antient Church confesse, that in the most holy Sacrament of the Lords Supper are exhibited the visible signs of Christ invisible present: concerning the manner of his presence they differ in their speech, and yet for this they doe not break the Peace. Wherefore Doctrines very few are to be defined, the necessary with *Anathema* the rest without: as it was done in the Synode of *Orange*: and there are in the antient Counsell of *Carthage* these words to the same purpose; *It remains that we speak our opinion in this controversy, judging of man, nor separating him from our Communion if he think otherwise.*

14. And those in
in Generall Councils.

But in those first ages, it was very available to the keeping of peace in the Catholick Church, that no Dogmaticall definitions were wont to be made but in Generall Councils; or if any were made in lesser Synods, they were not firme till they were sent to other Churches and approved by common judgement. Which custom

custome, if the Rulers in the Christian world would now revive, they could not doe the Church a greater benefit; for in those remedies, which Physicians call *topical*, is little help, nor can the unity of the parts be hoped for, but from the unity of the whole body. I cannot forbear to praise that excellent Canon of *England*, An. 1571. *Let Preachers take heed of Preaching any thing to the people, as a necessary point of Faith, but what is agreeable to the doctrine of the old or new Testament: and which the Catholic Fathers and anti-ent Bishops have collected thence.*

What hath been said of things to be believ'd, must be understood also of things, by the Divine Law, appointed to be done; but of these, the controversies are not so many. In both kinds, for the reteining of concord, it will be needfull to make the people understand, that all things enjoyned are agreeable to Gods word. That which *Seneca* saith against preambles, *Let the Law command not dispute*; may have place in things meerly Arbitrary (yet in such Laws we see the reason of them given at large by *Justinian* and others, in the Code and Novell Constitutions) but in things that are to be perform'd religiously, the severity of

15. Ecclesiastical Laws deliver'd in a persuasive way.

the Injunction is to be mollified by the gentlenesse of perswasion. So *Plato* hath given in precept, and *Charondas* and other Law-givers have shewed us by example. And certainly as Governments are made firme by the willingnesse of people in all things, so most of all in the businesse of Religion. For, saith *Lactantius*, *Nothing is so voluntary as Religion; which without the wils consent is nothing*. And people that are compell'd by Law to serve God, *serve not God but the Prince, Themistius*. Here then is required the greatest care and pains, that the major part of the people, being convinc'd by divine Testimony, may know the things commanded, to be according to truth and piety. I say, the major part; for we may rather wish, than hope for an universall consent; but for the ignorance or malice of a few the care of truth and peace is not to be deserted. Yet here must be shewed tendernesse and discretion, that they who *resist* both the Divine and Humane Ordinance, may be *rather withheld from doing ill, than compell'd to doe good*: as *Austin* hath long agoe judiciously distinguished in this matter.

16. How
to p e-
serve U-
n v in
point of
ceremo-
nies.

Now we goe on to the things not determined by Divine Law, such as are many things belonging to Church Government,

vernment, to Rites & Ceremonies. Where-
in, if the matter be fresh and easy to be
wrought, it were safest to restore all things
to the times next the Apostles, and to ob-
serve what was then observed, with great
consent, and no lesse benefit of the Church.
For the most antient Constitutions are the
best. Yet there must be a respect had to the
present things, and a respect to the places
too: Wisely saith *Ferom*: *In things neither
contrary to Faith nor manners, let the cus-
toms of our Country be as Canons Apostoli-
call.* *Austin* and others have words of the
same sense. And variety here is of good use,
serving for a Testimony of Christian Li-
berty. See the History of *Socrates*. l. 5. c. 22.
Verily, if in this nature there be any thing
that may be better'd, yet is tolerable and of
long continuance, 'tis wisdom to let it still
continue; unlessse the change may be made
upon a handsome occasion, and with fa-
vourable assent. *The change of a custome,*
saith *Augustin*, *doth as much disturbe as
profit.* But in these things, wherein Gods
word hath left a liberty, the Highest
Power shall doe well *to content the people.*
So in Secular matters we see that Cities
and Companies that have no jurisdiction,
have leave to make certaine orders for
themselves; which the Highest Power,
after

after examination past upon them, approves and ratifies.

17. Highest Powers need the Ministry of others.

One thing more we will not omit, which pertains also to the manner of using the Right we treat of: *The Highest Power ought to use not only the advise, but service of other men*: and therefore particular affairs, lest the multitude of them oppress the mind of one, are to be put off to Courts ordained one above another, and the last appeal to be made to the Highest Judgement. So in the antient Church under the Christian Emperours there were Presbyteries in Cities, there were Synods Metropolitan, and Exarchicall, and, above all the rest, Imperiall; but of this we shall speak againe hereafter.

18. Prudentiall Rules have their exceptions: and whence.

All that we have said here, of asking Counsell, of contenting the people, of inferiour Courts, and whatsoever may be added, ought not to be esteem'd perpetuall, and alwaies profitable; for no prudentiall precepts are universall; because prudence must have regard to emergent circumstances. Times, Places, Persons, make a great alteration here. When the matter is clear, there is no need of Counsell: when dissentions are hot and vehement, there is little hope of Consent: neither can the proceeding be by degrees when

when either the matter will not admit delay, or the Lower Courts are suspected of injustice, by reason of hatred, or favour, or other impediments of upright dealing. In such cases, when the ordinary course cannot be observ'd, advise must be taken of necessity.

By the way we must note their error, that distinguish of *power absolute* and *ordinary*; for they confound the power, and the manner of using it. As in God the power is one and the same, whether he work according to the order appointed by him, or beside that order: so the power also, or the right of the Supreme Governour is the same, whether he observe the prescribed order, or not; but, in common accidents, it is the part of a wise Ruler to follow the accustomed order, and the Positive Laws. Laws are made for ordinary cases: in cases extraordinary the Highest Power must leave the road and take some unusuall way; for cases are infinite, order and Law Positive finite, and the finite cannot be an adequate Rule of the infinite. But although it be the Duty of the Highest Governour in usual affairs to use the ordinary way of Government; yet if he doe otherwise, he may indeed be said to doe *not rightly*, but not to

19. The Distinction of power absolute and ordinary, erroneous

L. 3. d. de Leg.

20. Highest powers how far obliged to their own Laws

goe

go beyond his *Right*. The right of the highest Power is not limited by Positive Law; for the Right of any man is not limited but by his Superiour; and no man is Superiour to himself. Hence also *Austin* said, *The Emperour is not subject to his own Laws, for 'tis in his power to make new;*
Nov. 105. and Justinian, In all things before spoken, the Emperour is excepted: to whom God hath made the Laws themselves to be subject. If then the Question be proposed, whether it be lawfull for the Highest Power in common accidents to exceed the bounds of Law: the Answer may be given in the words of *Paul the Apostle, It is lawfull, but not expedient:* or in the words of *Paul the Lawyer, It is lawfull, but 'tis not for his honour. It becomes your wisdom, saith Cicero, to consider not how much you may doe, but what you ought to doe:* and every where in good Authors, to that which is *lawfull*, is opposed that which is a *duty*, that which is *expedient*, that which is *honest*, that which is *best to be done*. Lastly, that which is said above, hath place here also: *Though the action hath not full rectitude, if Right be not wanting, the Act is firme;* for suppose an unwise command, suppose a disorderly command come from the Highest Power, it must

1 Cor. 6.
12.23.

L. non om-
ne. d. de reg.
jur.

Pro Rabir.

must be fulfill'd, if it may be, without sin: for the Apostles word is still of force; *We must needs be subject*. To him hath God allotted Supreme Authority, to us is left the glory of Obedience.

CHAP. VII.
Of Synods.

THis place requires, that we treat of Synods. By *Synods* we mean Assemblies consisting of Church-Pastors alone, or chiefly of them, for the acting of somewhat by common consent; for if Pastors be call'd together to hear commands, that Assembly I suppose is not call'd a Synod. The *utility* of these Synods being evident, it is enquired, what *Original* they have, and what *necessity*.

1. What we mean by Synods.

I find no Precept in the Law Divine for having of a Synod, and they are much deceiv'd that make Examples of equall force with Precepts. Yet are Examples of great use, that it may appear, what hath been usual, and what in the like cases may be prudently imitated. We have no Examples of these Synods out of the Old Testament; for a *Synedry* is one thing, and a *Synod* another. In the New Testament we have

2. No Precept in Scripture for Synods.

have a Law for Believers to meet for prayer, and hearing the Word, and breaking of bread. The offended brother is bid to tell it to the Church; that is, to the Assembly of the faithfull, and it is added, *Where two or three doe joyn in prayer, and where two or three are met together in the name of Christ, Christ will be present with them.* And Paul saith, *The spirits of the Prophets are subject to the Prophets,* speaking of one Church or Congregation. Here is no Synod yet.

3. Their
Original
not from
Act. 15.

The Originall whereof is wont to be taken from that History, *Acts 15.* but whether that Assembly be properly call'd a Synod, as we now take the word, may be made a Question. There arose a Controversie between Paul and Barnabas, and certain Jewes at Antioch, concerning the force and efficacy of the Mosaicall Law. Paul and Barnabas, and some of Antioch, are sent to know the judgement of the Pastors; of all Asia? or, of Syria, Cilicia; and Judea, gathered into one place? no certainly: but

Act. 15. 3. of the Apostles and Elders at Jerusalem.

The company of the Apostles was a College, not a Synod, and the Presbytery or Eldership of one City was not a Synod neither. Only one Church is consulted with, or rather the Apostles only, whose Answer is approved by the Elders and Brethren of Jerusalem. Where-

Wherefore we derive the originall of Synods from the Law of Nature. Man being a sociable creature, his nature permits association especially with them, to whom either any contemplation, or action is common. So Merchants for Traffick, Physicians and Lawyers to examine the controversies in their Art, hold their meetings by the Law of Nature. But to avoid mistake, we distinguish between that which is *naturall absolutely*, and cannot be altered, as to worship God, to honour our Parents, not to hurt the innocent : and *naturall after a sort*, that is, permitted or allowed by Nature; untill some Law of man interpose; thus all things are by Nature common, all persons free, the next of kin is heir, untill by humane Constitutions propriety, and servitude be introduced, and the Inheritance given away by Will. In this second acception, it is naturall to hold Synods; for, if it were so in the former sense, Bishops would never have asked the Emperours leave, before they met; and *Jerom's* argument, to prove a Synod unlawful, were not good; *Shew me*; saith he, *what Emperour commanded the celebration of that Council*. The convention therefore of a Synod is in the number of those things, which being permitted by the Law of

4. But from the Law of Nature : with a distinction of the Law of Nature, Absolute, After a sort.

5. Synods not from the Law of Nature absolute.

of Nature, are wont to be commanded by humane Law, or permitted, or prohibited. So in the Council of *Agatha*, the Bishops summoned to the Synod are desir'd to come, *unlesse they be hindred by sicknesse, or the royall Precept.*

6. Synods under the Pagan Emperours, by what right.

Act. 24. 14.

It may be objected, that leave to gather a Synod, was never asked of the Pagan Emperours. But we say, there was no need to ask leave, when there were no Imperiall Edicts against it. As for the antient Decrees of Senate against meetings, religious meetings were excepted in them, and particularly the Jewes (as *Philo* relates it) had leave of *Augustus* to assemble. In whose privileges the Christians might justly claim a share, *believing all things that are written in the Law and the Prophets.* And *Suetonius*, under the name of Jewes, designs the Christians too. Besides, in the places where most of the Synods were held, though subject to the Roman Empire, they had the benefit of their own Lawes. Wherefore, if at any time the Churches enjoyed Peace, which often happened under Pagan Emperours, the Bishops had no hindrance, but they might meet in Synods. But in the heat of Persecution, as the Christians could not intermit Church meetings, although forbidden by humane Lawes;

Lawes, because they were commanded by Divine; So the Bishops were carefull, not to incur the suspicion and hatred of the Rulers by Synodical Assemblies; so long as the Church could subsist without them. *Cyprian* shewes in severall places, when under persecution there arose a great Question about *receiving the lapsed into Communion*, and to the deciding of it there was need of Common-Counsell, nevertheless the Bishops deferred their meeting till the storme was past: neither durst the Bishop of *Rome*, *Liberius*, without the consent of *Constantius* call a Synod. The orthodox Bishop of *Spain* assembled not into the City of *Agatha*, without the permission of King *Alaric*, although an Arian.

What the Pagan Emperours had no regard of, that the Christian Emperours justly assumed to their care and government, well considering, the corruption of any thing to be so much the worse, by how much better it is, in the regular use. After that, Synods were not left *in medio*, but as they gave hope of good, or fear of evill, so they were either commanded or forbidden. Therefore *Socrates* the Historian saith, *The greatest Synods were holden according to the Emperours pleasure.* This is spoken of generall Synods in the Roman Empire;

7. Synods
called by
Christian
Empe-
rours.

But *Constantine* called also *Topical*, where-
of *Eusebius* speaks; Having speciall care
of the Church, when discords arose in sundry
places, The Emperour himself, being ap-
pointed by God, the common Bishop or Over-
seer, commanded the Ministers of God to
assemble in Councils. After the Acts of the
Nicene Council were confirmed by the
same *Constantine*, the generall Law of Sy-
nods to be holden twice every year, sup-
plied the place of speciall consent. In
stead of half-year Synods, in some places
they had annual. Nor was the Assembly
at the pleasure of the Bishops, but the Go-
vernours of Provinces had a charge given
them, to make the Bishops, though they
should decline it, to meet together in Sy-
nods: and beside those at set times, other
Synods also were holden out of order, at
command of the Highest Power.

8. Three
Questions
about Sy-
nods.

But there are three principall Contro-
versies concerning the Highest Powers
right and office about Synods. First, whe-
ther it be lawfull for the Highest Power to
command any thing in Sacred affaires
without a Synod; Second, what is lawfull
for him, and what he ought to doe before
the Synod, and in the Synod; Third, what
after the Synod.

For the resolution of the first Question,

we

we must conceive, whatsoever is said very justly of the exceeding great commodities of Synods, belongs to the manner of using the Right of Empire, not to the Right itself. For if the Highest Power should receive from the Synod any right of Governing, it were not then the Highest: The Highest being that which is subject unto God alone, and under God hath the fullest right of governing. Again, if the Highest Power without a Synod could not command that, which it might command with a Synod, then should it receive part of the right of governing from the Synod: and then, because none can give what he hath not, it would follow, that somewhat of the Government were in the Synod; which the Synod, not having by any Humane right, must challenge by Divine right; whereas the Divine Law denies any such Power to have been given by God unto the Church; (as hath been shewed above,) and therefore not to Synods. The Right being thus confirmed, we make no scruple to affirme, That the Highest Power may *sometimes* rightly order Sacred things without a Synod: They that universally hold it unlawfull, will never prove what they say: but we shall easily. For there are extant many examples of the Hebrew

9. I. Whether the H Power may govern without a Synod.

10. The affirmative proved by examples.

Kings, that without a Synod gave commands in Sacred matters.

Whether the Church declare or not, even before the Churches declaration the Kings duty is to reform what is amisse, and for neglect thereof he must give account to God. Eminent among the Christian Emperours is the example of *Theodosius*. He sate as Arbitratour between severall Factions of the Bishops, he gives every one the hearing, he reads their Confessions, and after prayers to God for his direction, he gives his judgement, and pronounceth his sentence for the Truth. To omit other examples; The Kings and other Highest Powers, which in the memory of our fathers have purged their Churches from inveterate errors, have done according to the pattern of those antient Kings and Emperours: as elsewhere we have shewed. True it is, and they are commended for their diligence that have observ'd it, there were such circumstances in those actions, by reason whereof that course was taken, and no other could serve the turn. And we acknowledge that course to have been extraordinary, and more seldom taken: but (as before) we say, The manner of doing being divers with regard to times and persons, changeth not the right;

right ; but floweth from it according to the rules of prudence ; Nor doth any one affirm, a Synod is to be omitted without cause, but that sometimes there may be causes for the omission of it.

These causes may be referr'd to two heads ; either because a Synod is not necessary, or because it appears it will be unprofitable. That both may be the better understood, we must note the Ends of a Synod in a publick Church ; for of this we speak. We have proved already, that a Synod is not called, as if it had any part of the Government belonging to it. The end therefore is, that it may give Counsell to the Prince for the advancement of Truth and Piety, that is, goe before him by a directive Judgement. Another end is, that by the Synod the Consent of the Church may be settled and made known. So, although the Apostles severally had both knowledge and authority to define the controversie of Mosaicall Ceremonies, it was for the Churches good, that it should appear, they were all of one mind, and that the pious people should be taught to understand the truth rightly, and to make unanimous confession of it. A third end may be added to the former : as Presbyteries in a publick Church, so Synods, beside their

11. Three
ends of
Synods :
yet not
necessary.
Counsell.
Consent.
Jurisdiction.

native, have an *adventions* right from Human Law: whereby they judge of Causes, as other Courts ordained by the Highest Power; and so, that upon their sentence coercion followes. But now, of all these ends none is necessary, nor is a Synod simply necessary to thole ends. Counsell is not necessary in things manifest to any one by naturall or supernaturall Light; For as *Aristotle* said well, *Wee make use of Counsellours in great matters, when we distrust our selves, as unable without the help of others to discern the Truth.* Who doubts, but the man that denies God, or his Providence, or his Judgement after this life; the man that makes God the proper author of all sins; the man that denies the Deity of Christ, or the Redemption wrought by him; I say, who doubts, but a man so prophane; may be put out of office, or out of the Common-wealth, by the command of the Highest Power, without the advise of many Counsellours? Again, the Highest Power may have such assurance out of some former Synod, that he need not call a new one. Therefore a Synod is not necessary, to the end sufficient Counsell may be had. And as for consent of the Church to be enquir'd or constituted, 'tis in vain sometimes to take any pains about it, when the

the Church is manifestly divided two wayes, the parties and their heat being well night equall, as in the Donatists time it happen'd in *Africa*. Sometimes also, the consent of the Church may be known without a Synod: if there be extant the unanims writings of almost all the approved Doctors in their Churches. Besides, every one in private may either by voice or writing declare his opinion, which *Austin* saith was done in his time, and commends it. And he that peruseth antient story shall find the Churches affaires more often transacted, and consent testified by communication of Letters, than by Synods: as is observed by *Bilson*, *Reynolds*, and the *Magdeburgenses*. And lastly, it may be the Cause in hand is so peculiar to one Church, that the consent of others is not needfull. Now for the third end of Synods, the hearing of Causes, it depends upon the will of the Highest Power, from whose Authority it proceeds; although in the ordinary way, inferiour Courts are not past by, yet if those Courts be liable to some suspicion, or the businesse will not bear delay, the Highest Power may call it from them to himself. We conclude therefore, that which *Whitaker* and others have written before, and the example of Free Cities,

that without a Synod preserve their Churches, doe confirm: A Synod is not at all times necessary, nor in every case.

12. Synods sometimes not usefull,

So far from necessary sometimes, that it is not profitable; for as the parts are, such is the whole. I will not here repeat the old complaint almost of all ages, that the chiefest distempers of the Church have proceeded from the Priests. *Nazianzen* hath said enough, where he also renders the principall causes thereof, the Ambition and Pride of Church-men; nor doth hee speak of Arian Synods only, but of all of his time, those especially wherein himself was present: *Therefore, saith he, have I withdrawn my self, and sought for security of mind in rest and solitude.* This evill will happen if it appear, either that the integrity of judgement is hindred by vehement prejudices, (which often befalls men, not malitious:) or that factions are so prevalent, that a farther branch may rather bee expected from the Synod, than any testimony of consent. I much wonder, what came in some mens minds, when they said, They that accuse another of impiety, may be his Judges also in a Synod; and, that the Right of refusing, which hath place in civill affairs, cannot be extended to Ecclesiasticall. For certainly, the common Rules,

13. Accusers may not be Judges in a Synod.

Rules, which arise out of naturall equity, ought to be of force, no lesse in Ecclesiasticall than other judgements; and I remember *Optatus* speaking properly of the Ecclesiasticall, saith, *Judges must be sought, which are not of either party, because judgement is hindred by affection.* In the Council of *Chalcedon*, the Judges charge the Legats of the Roman B. they should put off the Judges person, if they would be the accusers of *Dioscorus*; And *Athanasius* would not come unto the Synods, wherein 'twas manifest the adverse party raigned. Such is often the face of things, that a Synod may be hurtfull at the present, which if you stay awhile, and let the mindes of men come to a calme, may be called to good purpose. *Time shall declare*, saith the Apostle, *the work*, that is, *the doctrine of every one*: And, *If any man be otherwise minded, God shall reveale the truth.* In both places shewing, there is often need of time, that the Truth may be found out, and a right judgement given. The contrary may also happen, that the present evill cannot endure the delay of a Synod, and calls for a more compendious remedy. Moreover, the same causes for which great Assemblies are suspected by the Highest Power, may also have place in Synods; for,

14. Synods sometimes hurtfull.

1 Cor. 3. 13
Phil. 3. 15.

for, as a very learned man hath said, *It is not lesse Politicall, to assemble Bishops, than other Orders of men.* There is the same fear, the same danger, unlesse they have put off Humane passions, when they became Pastors. I might reckon up many examples of unhappy Councils, as were under *Constantine*, those of *Antioch*, *Cæsaria* and *Tyrus*; the Bishops of which last, as the Emperour in his Letters plainly tells them, did nothing else but sow divisions and hatred, and disturb the Peace of the world. Yet I confesse, the Church is not in the best condition, when Synods cannot be had: and therefore all means is to be used, that these Assemblies may be retain'd, or after long omission restor'd, whereby the Church speaks both to her Members, and her Governours with most convenience. And yet, even then, when the Highest Power governs without a present Synod, it hath the judgement of the Church in former Synods; it hath the perpetuall consent of the most famous Doctors, which flourished in every Age and Nation; it hath the most learned and religious Divines of the time present, both domestick and forraign, whose opinions are worthy of an equall regard, especially in points of Doctrine, which is the common study

15. What
may serve
in their
stead.

study of them all, and in respect where-
of they have every one a share in the U-
niversall Episcopacy. *In making Church-
Laws, the King* (saith the Bishop of Ely)
*made use of men fit to be advised with, men
who in reason are esteemed most understand-
ing, most able and judicious to answer in
such affairs :* and saith Burhil, *He was in-
structed by Ecclesiasticall Councils, or in
defect of these, by Authors for their Faith
and skill in these matters most approved.*

Upon the premises, we see there are
other causes, beside the great corruption
of Religion, in contemplation whereof
Synods may or ought sometimes to be
omitted: and therefore they were not so
often granted by the Christian Empe-
rours, as they were desired. *All are Pe-
titioners to your Grace with sighs and tears,
saith Leo to Theodosius, that you would please
to command a Synode in Italy.* Yet he
prevailed not; yea in vaine did the Right
of calling Synods belong unto the Em-
perours, if upon just cause they could not
deny to call them. It is certaine, the
Churches which were sick of the Ubi-
quitarian error, could not be accounted
past all hope, yet the Electors and Prin-
ces, to whom the Laws of Germany com-
mend the care of Religion, without a Sy-
node

16. Other
causes to
deny Sy-
nods, be-
side the
generall
corrupti-
on of Re-
ligion.

Epist. 24.

node by the Counsell of wisemen, expelled this disease out of their Dominions; and are praised for it, by the same persons, who will not acknowledge the Right, on which alone that Reformation depends.

In 4. præc.
loc. 5.

17. What
is to be
done, till
a free
Councill
may be
called.

The office of a Prince, as *Zanchius* and others with him note, partly consists in this, that, untill a free Councill may be had, which cannot be had at all times, He command *the dissenting parties to use, not their own, but the tearms of Scripture, and forbear to condemne each other in publick.* This also pertains to the Right of ruling before a Synode, and therefore without a Synode.

It doth not follow hence, that the liberty of judgeing, which by Divine right is due to Divines, is taken from them; for they may, also out of Synods, deliver their judgement, either before the Highest Powers, or if it be needfull, before others too: and they may render the reasons of their judgement out of the word of God.

The summe is this, Synods, we confesse are the most usuall help of Governing the Churches: yet we hold, such time may fall out, that Synods may not be profitable and convenient, much lesse necessary. And our greatest wonder is, the

the boldnesse of some men, that maintaine, even when the Powers take on them the protection of the Church; whether they will or no, Synods may lawfully and rightly be assembled. *Beza* was of another mind, who hath said, *Synods are to be called, not without the command and favour of the King.* *Junius* was of another mind, who said. *'Tis an unjust and dangerous attempt of the Church, to hold a generall Assembly, without his knowledge and Authority, who is set to keep order amongst men.* Lastly, of another mind were All, that have hitherto defended the Protestant cause against the Papists.

18 Synods not cald without the Highest Power.

Next concerning the Right and Office of the Highest before and in the Synode, it is controverted, *Whether it be lawfull for the power to designe the persons, that shall come unto the Synode, or no.* It is lawfull, we doubt not: but to cleare the matter, let us proceed in order.

19. Whether the Highest power may choose the Synod-men.

After that Christ instituted the Church and the Pastorall office, it hath been lawfull, by the Law of Nature; not the immutable Law, but by that which hath place untill some other Provision be made, for the Church, in things concerning the Church; or, for the Pastors, in things concerning the Pastorall office, to make choice

20. The Right of the Primitive Church. And the Assembly of Bishops.

Act. 15.
2.22.

21. The
Empe-
rours en-
cyclic let-
ters to the
Metropo-
litans.

choice of them that shall goe to the Synode: because, no Humane Law, no agreement interceding, to determine the persons, there is no other way. By this right, the Brethren of *Antioch* send some of their number with *Paul* and *Barnabas* to *Jerusalem*. Likewise, the Elders, and the Church of *Jerusalem* together with the Apostles, send out of their Company chosen men to *Antioch*. But in all the ages following, I find no example of election made by the Church; for to the Dioceſian Synodes assembled all the Presbyters, to the Metropolitans all the Bishops, unless any were detain'd by great necessity. Here then is no election; but that the Bishops seeme to have taken with them to the Metropolitan Synods some Presbyters and Deacons at their own pleasure. That greater Synods might assemble, the *Encyclic* Letters of the Emperours were sent to the Metropolitans, and for the most part the election of their fellow-Bishops was imposed on them, to compleat the number which the Emperours had prescribed. This appears by the Letters of *Theodosius* and *Valentinian* to *Cyril*, the like whereof were sent to all the Metropolitans, as the Acts doe testify. Plainly, to *Cyril* is the election there committed;

ted; which election the Metropolitans made sometimes alone, sometimes with the Provinciaall Synode of their Bishops. Of the suffrages of the Church or people there is no appearance. The Metropolitans, in case any of them could not be present in Synods themselves, sent some Bishop or Presbyter to supply in their names, and to keep their places.

Albeit this were the most frequent manner of election, yet by no Law was the Highest Power forbidden to call Synods of Pastors elected by his own discretion. This alone is enough to prove a permission; but reason doth evince the same: if we consider the ends before spoken of, for which Synods are assembled. For first, many Synods are had only for Counsell; but naturally it is lawfull for every one to chose his Counsellours; so it is in questions of the Law, of War, of Merchandise, and all other affairs: between which and the Ecclesiasticall, as to meere consultation, there is no dissimilitude. Synods are also holden for the exercise of Externall Jurisdiction, committed to them by the Highest Power; but this is also naturall for every one to choose his Delegate. In the Synods, that are gather'd for procuring of consent, the
case

22. The Highest Power may elect Pastors for the Synod. Proved by reason, and examples.

case is somewhat different, in these it seems very expedient, that the Election be either by the Churches or by the Pastors, to the end, the acts of the Synod may be more passable; for men are wont to like those things best, which are done by those persons, whose faith and diligence themselves have chosen. This therefore belongs not to the Right, but to the prudent Use of it; and is not perpetuall; because it may sometimes happen, that the election made by Pastors may be lesse available to concord, than if it be made by the Highest Powers. Againe; in a Synod held for Counsell or Jurisdiction, because the Highest powers take not notice of all able men, it may be best sometimes to receive them upon the commendation of the Church or Pastors: We say then, not that the Highest Power *ought* alwaies to choose the persons, but that he alwaies *may*. Our leader in this judgement is *Marsilius Patavinus*; for he saith, It pertains to the Authority of a Law-giver, to call a generall Council, and to determine fit persons for it; by determining, he means not only approbation of the persons, but election too; and herein he is followed by the Learned French Defender of the Protestants cause against the *Trent* Synod.

Nor

Nor are examples wanting. The King of Israel calls unto him what Prophets he will, and namely *Michaia* at the persuasion of *Jehosaphat*. The Donatists request a Synod of *Constantine*, to judge between them and other *African* Bishops, by this Petition, *We beseech you, excellent Emperour, because you are of a just and Royall extraction, whose Father was no persecutour; and because Gallia is not infected with this iniquity, that your piety would command Judges for us thence, to allay the contentions here.* Not the Churches, not the Synod of *Gallia*, but the Emperour names the Judges. To the first Synod of *C. P.* *Theodosius* admitted also *Macedonian* Bishops: who were not surely chosen by the Churches or Bishops Catholick. That other Emperours and Kings used the same Right is very certaine. And this very thing did the Protestants desire of the Emperour *Charls* the Fifth; and the other Kings; that they might have leave to choose pious and learned men, and send them to the Synod. But here we must observe, when the Churches or Bishops choose men for the Synod, whether by their Native or Native Liberty. The Supreme Governour hath an undeniable power still over that election; For all

1 King. 22.

23. When the election is permitted to others, the Highest Power commands over it.

use of Liberty, as above is said, is subject to Command; and the vertue thereof is this, that for just causes some turbulent men, or otherwise unfit, may be excluded from publick businesse.

That the time and place were prescribed by the Emperours for the Councill; the things also to be done, and the manner of doing; that Synods were translated at their pleasure, or dissolved, both others before us, and we also have made so plain, that I think it will be denyed by none. Wherefore let us now rather see, what Judgement in the Synod is competent to the Highest Power. They phantasie to themselves an Adversary over whom they may get an easie victory, who take the pains to prove, that the Bishops judged, not the Emperours alone; for who ever did so forget himself as to deny that: but this we affirme; The Highest Power hath right to Judge together with the Pastors: the prooffe whereof is needlesse here, because above we have made good to the H. Power an Universall right of judging, which certainly by the Synod cannot be taken away. But whether it be best for the Supreme Governour to expresse himself, and how far, is another question.

34. The
H. Power
may judge
in Synod.

Let us goe through every end of Synods.

nods. If a Synod be had for Declarative
 judgement, that is, that the Bishops may
 shew out of the holy Scripture, what is
 true, what false; what is lawfull, what un-
 lawfull; here the King, being well versed
 in the Bible, cannot be depriv'd of that
 which is granted to private men, *to search*
the Scriptures, to try the spirits. But here
 must be exceeding great Caution, lest the
 Majesty of one, bridle the Liberty of ma-
 ny. 'Twas said of old, *Cesar, when will*
you give your Vote? if first of all, I shall
have one to comply with. Yet will it be
 most profitable, that the Supreme Gover-
 nour not only honour the Assembly with
 his presence, but also order and moderate
 the actions, enquire into the grounds of
 every sentence, and propose objections.
 Which the Emperour *Constantine* did in
 the *Nicene* Synod, and *Charles the Great*,
 in that of *Francford*. But when the Sy-
 nod, in things not determined by Divine
 Law, gives Counsell to the Highest Power,
 what is for the Churches benefit; here also
 it is better to propose the inconveniences
 with the commodities, than to deliver
 judgement openly: according to that Rule,
What should be done, debate with many;
what shall be done, determine with a few.
 The royall presence also, when the Synod

25. Whe-
 ther it be
 expedient
 or no, in
 person.

is held chiefly to testifie the Churches Consent, is of good effect, to curb the boldnesse of turbulent men: but, the Supreme Governour shall be more assured, whether the consent be true and spontaneous, if he give no suffrage, but he content to reserve the *Epicrisis*, or finall determination to himself. And this hath place too, in the Synod, which by concession of Humane Law, doth exercise some Jurisdiction: the Supreme Governour may be present, and give Sentence if he please, but 'tis more proper for him, that he reserve himself entire for the *Epicrisis*, or Judgement after.

26. The
Highest
Powers
present in
Synods by
their De-
puties.

We have spoken of the Highest Power, when it self is present in the Councill; but pious Emperours could not alwayes be so, by reason of other affaires: and then they sent others in their name, with Commission either to judge together with the Bishops, or only to preserve good order. For in the Synod of Chalcedon, it is clear enough that the Senators and Judges interposed often, and gave their Sentence in defining the very Articles of faith; but in that of *Ephesus*, *Candidian* was not allowed by *Theodosius* to passe his judgement. To the Councill of *Tyrus*, *Constantine* sent only *Dionysius*, a man of Consular degree,

to observe all that passed ; but he went beyond his Power, as *Athanasius* notes ; *Hee had all the talk, and the Bishops observed him in silence.*

Now we come to that Judgement, which belongs to the Highest Power after Synod ; the Greek Fathers call it *Epicrisis*. This is so proper to the Highest Power, that it must not be cast off or neglected by Him. For if the Synod only give Counsell in things to be done by the Highest Power, 'tis certain His judgement, to whom the Counsell's given, ought to follow, whether it be led by certain arguments (as is necessary in the matter of Faith) or in some sort by the Authority of other men. For (as above) some Judgement of the doer must precede every act, that it may be right ; but absolutely, and in all things, no man can square his judgement by that of another, unlesse it be such a judgement as is infallible ; but the Judgement of a Synod is not such. If some Doctrine be explain'd, or some Law Divine, 'tis not only the Right, but the Duty of the Highest Power, to see whether the Synod walked according to the Rule of Ho'y Scripture : as *Constantine* writes of himself to those that met in *Tyrus*. For 'tis his part to Govern. What if some Synod, (such as many have

27. III.
What is
the High-
est Pow-
ers right
after Sy-
nod.
The *Epi-
crisis* :
wherein
is con-
tain'd
right to
change,
to adde,
to take a-
way.

been, and many may be,) shall either through ignorance, or by conspiracy, or because the greater party overswayes the better, agree upon some doctrine, manifestly repugnant to the Catholic faith derived from the Scriptures? Suppose the *Arimin*, the *Seleucian*, (both which were greater than the *Nicene*) or suppose the second *Nicene* Synod; Shall the H. Power now command any thing to be done, which the Law Divine, and his conscience instructed by that Law forbid? No man in his right mind will say so. But if somewhat be conceived by the Synod, which by Divine Law is not determined, but pertains unto Church-government, since all Government, whether introduc'd by Nature, or by Positive Law, is under that Power which among men is Highest; it is the part of this Highest to see whether the things conceived will be usefull for the Church; for to the last agent belongs also to give the last Judgement. Therefore have Synods submitted both their Articles and Canons to Emperours and Kings; but with different respect; the Articles to be examined by Sacred Writ (for the true doe not refuse examination, the false, even after Synod, deserve rejection :) the Canons to be tryed according to the Rules of prudence;

dence; and if profitable, they received the force of Lawes. Concerning the Canons are those words out of the Councils of France; *if there be any defect, let it be supplied by His prudence; if any thing amisse, let it be corrected by His judgement.* Wherefore not only the right of approving, (as some doe now) but of examining, taking away, adding, correcting, did the antient Bishops ascribe unto the Highest Powers. Nor indeed can any one, with reason, be said to approve any of those things, which are not in his Power to disapprove. He is properly said to consent, who may also dissent, according to that in Seneca; *If you would know whether I am willing, allow me Power to be unwilling: and Aristotle, Where to doe is in our choyce, there is also, not to doe.* This is certain, some Canons have been disallowed; a great part of the Chapters, which in the year 856. the Bishops set forth in Synods, was rejected by *Carolus Calvus*: as we read in his *Capitula*. And *Carolus Magnus* made some addition to the Decrees of the Synod holden at *Theodons*. Wee adde, saith he, *this of our own*. Lastly, where a Synod hath passed judgement by a Power deriv'd from Humane Law, here it is much lesse to be doubted, but that His judgement is reserved

serv'd to the Supreme Governour. For all Jurisdiction, as it flowes from him, returns to him again. Hither I refer that Judgement of the *Ephesine* Synod, whereby *Nestorius* was cast out of his Patriarchship. The Synod prayes the Emperour, that what was done against *Nestorius* might be of force.

28. An
objection
answered.

One may object, that where the Supreme Governour was himself present in the Council, there at last nothing remained, but to confirm the acts with his Authority. But, neither can this be granted. For when the Supreme Governour judged among others, he Judged not as Supreme; for he might be Inferiour in the Suffrages. Wherefore his finall Judgement must still remain safe unto him, I mean his Imperative judgement, and that in the freest manner. The same is true of the Magistrates, if they be present in any Court under their Authority.

*D. quando
appell.*

28. The
manner
of giving
the *Epi-
crises*, or
finall
judge-
ment;
And of
Appeal.

But we must observe, that the Supreme Governour exerciseth this Imperative Judgement, sometimes wholly by himself; sometimes partly by others, partly by himself; Which appears by instance in Civill affaires. For Kings, unto whom supplication is made against the sentence of the *Prætorian Prefects*, or of the chief Senate,

do for the most part commit the last hearing of the Cause to men of Law; whose sentence; unless it be suspected, they confirm; sometimes, they command the Cause to be pleaded all again before themselves. So in causes Ecclesiasticall, it was the Custom for Emperours to commit the matter to the examination of other Bishops, for their religion and wisdom most noted; and, taking account of them, to confirm what in their own discretion they judged best. And this is the cause why against former Synods, other new, and these not greater than the former, were so often called: not because this Synod by it self was Superiour unto that; but, these men had greater credit with the Emperours, than the former. It was but seldome, that the Emperours heard all the Cause again themselves: as *Constantine*, after the Church had judged twice, himself examin'd the Cause of *Cacilian*, and gave final Judgement in it. He also call'd before him the Bishops who had met at *Tyrus*, to render him an account of all their doings. Wherein he is justly defended by our Men against the Patrons of the Roman Sea.

It is true in Sacred no lesse than in other matters, that an *Appeale* strictly taken, which inhibites the execution of Sentence given,

given, may by the Civill Law be taken away: but then there is left open another way; to implore the Hearing of the Highest Power, by Complaint or Supplication. For if this be denyed, the King could not scatter away all evill from his throne, Hee could not be a terrour to all evill, which is his perpetuall office: so that the old woman said well to Philip of Macedon, If he were not at leisure to be Judge, Hee should not be at leisure to be King. Macenas saw this of old, who sheweth to Augustus, that no man (under the Highest) ought to have so much Power committed to him, as that from him there should be no appeal.

Dio.

29. The
Epicrisis
in parts of
Religion,
as well as
in the
whole.

One thing more must be remembered here, that the right of the H. Power, after the Synod, to determine any thing against the Synod, cannot be contracted only unto those Controversies, wherein as it were the whole body of Religion is in Question. For there is the same right in the parts, as in the whole: and the reasons before alleged give unto the H. Power a free finall Judgement, in single Questions, as well as in all together. For also in single Questions, Synods may erre, neither ought the H. Power to yield blind obedience to them, much lesse by its Authority to defend a false and hurtfull doctrine; or suffer the

the truth to be oppressed; nor can the wisdom of the Highest Power permit errors to encrease by little and little, and as their nature is, one beget another, till their number be so great that they cannot be rooted out without hazard of the Common-wealth.

CHAP. VIII.

Of Legislation about Sacred things.

Hitherto we have spoken generally; now let us more neerly view the severall parts of Authority. The Act of Authority either respects all, or single persons: that is *Legislation*; this, if an occasion of Sute, is *Jurisdiction*; if otherwise it is called by the generall name, because it wants a speciall. Of this last sort, the commands are such as the Centurions: *I say unto this man, Goe, and he goeth: to another, Come, and he cometh: to my servant, Doe this, and he doth it:* but the principall act is, the Injunction of Functions permanent. In what things Legislation is, may be understood by the precedent part of our discourse; for almost all things belonging to Authority we have explained by examples of Legislation

1. The severall acts of Authority are Legislation, Jurisdiction, and another without speciall name.

Mat. 8. 9.

2. Wherein is Legislation.

station as the more noble. Thence it appears, that a Law is made either of the things defined by Law Divine, or of those that are left undefined. The Laws that are made, either respect the whole body of Religion, or the parts of it.

3. It belongs to the Highest Power, about the whole Body of Publick Religion.

In nothing more shines forth the virtue of Supreme Authority, than in this, That it is in the power and choice thereof what Religion shall be publicly exercised. This, all that have written Politicks put in the chiefest place, among the Rights of Majesty; and experience proves the same. For if you enquire, Why in *England* under Queen *Mary* the Roman Religion was set up, but under Queen *Elizabeth* the Evangelicall; the nearest cause cannot be rendred, but from the will and pleasure of the Queens; or (as some will have it) of the Queens and Parliament. Enquire, why one Religion is in *Spaine*, another in *Denmark*, another *Sweden*; you must have recourse to the Supreme Governours will.

4. Answer to the Objection of the change of Religion.

But many doe object, If that be so, the State of Religion will be very unconstant, especially where one is Ruler over all; for upon change of the Kings mind, Religion also will be changed. 'Tis true indeed, that they say: but that danger is in

In all other things as well as Sacred. The work will be like the work-man; and the Law be as the King. Yet no mans right is to be denyed him, for the danger of abusing it: for then no mans right shall be safe. Besides, although the Highest Power should transfer that right upon another (which we have shewed he may not) the same danger would still remaine; for the right would but passe from men to men: and every man may be deceived. Here then, our only comfort lyes in the Divine providence. Indeed the hearts of all men God hath in his power, but, *The Kings heart is in the Lords hand*, after an especiall manner. God doth his work, both by good and evill Kings. Sometimes a calme, sometimes a storme is for the Church more usefull. If the Governour be pious, if a diligent reader of the Scriptures, if assiduous in prayer, if Reverent to the Catholick Church, if ready to heare wise Counsels, by him will the truth be much advanced. But if he be of a perverse or corrupt judgement, it will be more hurtfull to himselfe than to the Church; for he must expect a heavy judgement from the King thereof, who will not suffer his Church to be unrevenged. The Church in the meane while, ceaseth not
to

to be the Church; yea, if the King rage against it, it will gather strength and increase under persecution.

5. Religion must not be brought in by the force of Subjects.

Deut. 7. 5.

Certainly, 'twas never lawfull for Subjects to gaine by force the publick exercise of their Religion: the antient Christians when they were at strongest, when they had Senators and Presidents very many of their mind, never took such right unto themselves. 'Tis the Office of the Highest Power alone publickly to authorize the true Religion, and to remove the false. To remove Idols out of private places belongs to the Lord of the place; and upon his neglect, to the King as the Lord generall: but to remove them out of the publick place is the right of the Highest Power, and to whomsoever it shall delegate that Office. And thus is that Law of *Deut.* to be interpreted; *You shall destroy their altars, and break downe their statues, and cut down their groves, and burn their graven images with fire:* The command must first be given by the Highest Power, and then must execution be done readily by the Subjects: *Doce thus saith Austin* upon the place, *when you have receiv'd Commission for it.* The Pagan Temples in the Roman Empire were not shut up, before that Law of *Constantine*, extant

extant in both the Codes. *If any one hath broken Idols and there been slaine, the E-libertine Councill forbids him to be receiv'd among the Martyrs, because it is not written in the Gospell, nor is any such thing found done by the Apostles.*

But the Highest Power hath not only forbidden Idolatrous Assemblies, but those too, which gave themselves to any evill superstition, or error publicly pernicious, or were obstinate breakers of the Churches peace. Christian Emperours have excluded Hereticks and Schismacks from all access to honours; have deprived them of the right to obtaine any thing by Will; have given away their Churches to the Catholicks. All which, *Austin* at large defends against the Donatists. For those punishments of such inexcusable Delinquents in Religion, which left them time of repentance, the antient Church approv'd. But the paine of Death was so much against the gentlenesse of the old Religion, that *Idacius* and *Ithacius* were condemned by the Bishops of *Gallia*, for being Authors, that certaine *Priscillianists* should be confuted with the sword: and in the East a whole Synod was condemned, which had consented to the burning of *Bogomilus*.

g. False & Schismaticall worship, by the Highest Power, sometimes prohibited and punished.

Yet

7. Sometimes dissembled and regulated.

Yet sometimes also false Religions have gone unpunisht under pious Emperours. The Jews; whilst they held from the contempt of the Christian Law, and from drawing over Christians to their Sect, had alwaies free use of their Religion. Neither were the Pagan rites prohibited by *Constantine* at the beginning of his conversion, but he advanced Pagans to the Consulship, as *Prudentius* notes to *Symachus*. So *Maximinian* and *Valentinian*, Princes worthy of all praise, terrified not them with threatening edicts, that violated the verity and unity of the Christian Law. And which is more to be noted, the Emperours did not only permit impunity to disagreeing sects, but often made Laws to order their Assemblies. *Constantine* and following Emperours grant to the chief Rulers of the Jewish Synagogues the same Rights with Christian Bishops. So *Theodosius* forbids any to be received into their Sect against the will of their Primates, and forbidding them to be received into their Assemblies, that denied the Resurrection and Judgement, or would not acknowledge the Angels to be Gods creature. He saith he had reformed the Jewish Nation. So the Proconsuls took away the Churches of the Donatists from the

the *Maximianists*, because they were proved to have been condemned in a Council of the *Donarists*.

Moreover, in the true Church, the Right and Office of the Highest Powers is not only conversant about the whole body of Religion, but the single parts; as reason and examples doe evince. Reason, because it cannot be otherwise, but He that hath right upon the whole, hath right upon the parts. Examples are at hand: *Ezechias*, that he might suppress the adorers superstition, took away the Serpent set up by *Moses*; and by the same right, against the Decrees of the second *Nicene Synod*, *Charles the Great* forbad the adoration of Images: *Honorius* and *Arcadius* repressed, by their Edict, *Pelagius* and *Cælestins*, the authors of a false opinion: and so of late, some of the German Princes have purged their Churches (otherwise well ordered) of the Ubiquitarian Error.

For prevention of Schisme, *Constantine* cut off needlesse Questions: an example worthy to be imitated by our Rulers; for it is most true which *Sisinius* said to *Theodosius*, By *Disputations about Religion, contentions only are inflam'd*. The Emperour *Andronicus*, of excellent knowledge in Divinity, threatned the Bishops disputing subtilly upon,

8. Legislation in the parts of Religion.

9. Suppression of unprofitable questions, *Sofom. 1.7. c. 12.*
l. nemo cle. ric. D. de sum. Trinit.
And of words not found in Scripture, *Nic. Chon.*

upon, *The Father is greater than I*: that unlesse they would abstain from such dangerous discourse, he would throw them into the river. Even true words, but not extant in the Bible, were for a time forbidden to be used. So *Heraclius* the Emperour prohibited both the single and the double *Energy* to be ascribed to Christ; that this is not to be dislik'd, we have the authority of *St. Basil* for us, who saith, Many pious men abstained from the words *Trinity*, and *Homousion*, and that also the word *Unbegotten* is not to be used of the Father, because these words are not in Scripture. And *Melietius* of *Antioch* for a time abstained from questions about Doctrine, only delivering what pertained to emendation of manners, esteeming this care above the other. It is pertinent here, which *Plato* hath in his Lawes, That no man should publish any writing, unlesse approved first by Judges appointed for the purpose.

10. The
Regula-
ting of
Church-
mens con-
versation.

Novel. b.
c. 11.

This is also an especiall work of Lawes, to compose the manners of the Clergy. The blind and the lame *David* excludeth from the Temple: *Ezechias* and *Josias* command the Priests to be purified. *Fustinian* doth not allow the Bishops to wander up and down, to play at Dice, to be spectators at Playes. And *Platina* ex-
clames

clames very justly, *O King Lewis, I would you lived in our times! Your most holy orders, your Censure is now very necessary for the Church.* In Greg. 4.

To proceed; That the Powers also used their Authority in defining things which the Divine Law hath left undefined, is most plain. The King of *Ninive* proclaim'd a Fast; *David* commands the Ark to be transported; *Solomon* orders all things for the ornament of the Temple, and after him *Josias*: who also takes care, that the Treasure destin'd for Sacred uses be not alienated. Of this kind is the greatest part of Constitutions which appear in *Theodosius* and *Justinian's* Code, and in the Novels, and in the French Capitulars: as, of the age of Bishops, Presbyters, Deaconesses, of the immunity and judgements of the Clergy-men, and infinite other things, which were tedious to number. That in those Lawes are Constituted many things that are not in the Canons, both the Reading shewes, and *Whitaker* confesses. Therefore also in the *Trent* Synod, the King of *France* doubted not to declare by his Orators, *That the most Christian Kings* (so 'tis in the Acts) *have made many Edicts in matters of Religion, after the Example of Constantine, Theodosius, Val-*

11. Lawes about things undetermined by Divine Law; And that, beside the Canons.

L 2

lentinian,

lentinian, Justinian, and other Christian Emperours; That they have made many Ecclesiasticall Lawes, and such as the antient Popes not only were not displeased with, but some receiv'd into their Decrees; and esteem'd the chiefe authors of them, Charles the Great, and Lewis the Ninth. most Christian Kings, worthy the name of Saints; That the Prelates of France, and the whole Order Ecclesiasticall, according to the Pre-script of those Lawes, have piously and Christianly ruled and govern'd the Church of France.

12. Yet the Canons are of use, in the making of Lawes.

In the mean time it is most true, that the Emperours for the most part in making lawes had respect unto the Canons, old, or new: whence is that saying, *The Lawes disdain not to imitate the Sacred Canons*; For, in things not defined by Divine Law, the Canons are usefull to the Law-giver two wayes. They doe both contain the Counsels of wise men, and make the Law more gracious in the subjects eye. This, as it is not necessary to the right making of a Law; so, if it may be obtained, is very profitable. *Justinian's Novel* is Extant, wherein he gives the force of Lawes to the Ecclesiasticall Canons, set forth, or confirmed by the four Synods, the Nicene, the first of Constantinople, the first of Ephesus,

and

and that of Chalcedon. Where by the word *Confirmed*, we must understand the Canons of the old Provinciaall Councils, which being generally receiv'd, were therefore contained in the Code of the Catholick Canons.

Now to that which some Enquire, whether the Church hath any Legislative Power, the Answer may be given out of our former Treatise. By Divine Law it hath none. Before the Christian Emperours, the Decrees of Synods, for the order, or the ornament of the Church, are not called Lawes but Canons, and they have either the force of Counsell only, as in those things that rather concern single persons, than the whole Church; or else they bind, by way of Covenant, the willing, and the unwilling being the fewer, by necessity of determination, and therefore by the Law of Nature, not by any humane Authority.

This notwithstanding, some Legislative Power may be granted by Humane Law, to Churches, Pastors, Presbyters, or Synods. For if to other Companies and Colleges, whose usefulness is not to be compared with the Church, that Power (as we have said above) may be granted by the Supreme Governour; why not also to the

13. No Legislative Power belongs to the Church by Divine Right.

14. Yet it may be granted by the Law Positive: cumulatively, not pri-
vatively; and not without subordination and dependence.

Church, especially when no Divine Law is against it. But two things must be here observed. First, this Legislation granted, doth not at all diminish the right of the H. Power, ('tis granted *Cumulatively*, as the Schooles speak, not *Privatively* :) for the H. Power, though it may communicate to another the right of making Lawes generall or speciall, yet can it not abdicate the same right from it selfe. Next, the Lawes made by any such Company, may, if there be cause, be nulled and corrected by the H. Power. The reason is, two Lawyers, both highest, cannot be in one Commonwealth : and therefore the Inferiour must obey the Superiour. Hence it is, that for the most part, in the constitutions of Synods, we see the assent of the Highest Power expressed in these words : *At the command of the King ; By the Decree of the most glorious Prince, the Synod hath Constituted or Decreed.*

Conc. Tolet.
6. Can. &c.

15. How
Kings
have con-
fessed
them-
selves
bound by
Canons.

It may be objected here, That Kings sometimes affirme they are bound by the Canons, and forbid to obey their Edicts contrary thereto. But this is of the same sense, as when they professe to live by their own Lawes, and forbid their Rescripts if they are against the Lawes, to be observ'd. For such professions take not away their Right,

Right, but declare their will: As a clause added in a former Testament, derogating from the later, makes the later of no value; not because the Testator might not make a later Testament, but because what is written in it is supposed not approved by his free and perfect Judgement. And hence it is, that if there be a speciall derogation from the derogating clause, as the later Testament is of value; so is the later Constitution too.

But that Canons have been nulled and amended by Emperours and Kings, and that Synods ascrib'd that Power to them, was prov'd sufficiently, when we treated of Synods. Yea, (which is more) even those Canons, which are found in the Apostles writings were not perpetually observ'd. The reason is, because they were supposed to contain not so much an exposition of Divine Law, as Counsell accommodated to those times. Such is the Canon to Timothy, That a Neophyte be not made a Bishop: which was renewed in the Synod of Laodicea. Yet in the Election of Nectarius this Canon was layd by, by Theodosius; and by Valentinian, in the Election of Ambrose. And such is that Canon, That a Widow under sixty be not chosen for a Deaconesse: which Theodosius also constituted

16. The Canons dispensed with by Emperours.
1. Examples hereof, even in the Apostolicall.

1 Tim. 3. 6.

1 Tim. 5. 9.

17. Divine
Lawes al-
so mode-
rated by
equity.
Levit. 7. 10
& 22. -

by a Law. Yet *Justinian* permitted one of fourty to be chosen. 'Tis not to be forgotten here, that the Hebrew Kings excepted some actions from the Divine Law it selfe. There was a Law, That no unclean person should eat the *Passeover*: Yet *Ezechias*, having poured forth his prayers to God, granted an Indulgence to the unclean to eat thereof. Again, the Law was, that the Beasts should be slain by the Priests: and yet twice under *Ezechias* the Levites, by reason of the want of Priests, were admitted to this office. Not that the Kings loosed any one from the bond of Divine Law (for that can no man doe) but that according to equity, the best Interpreter both of Divine and Humane Law, they declared the Law Divine, in such a Constitution of affaires, to lose its obligation, according to the mind of God himself. For such a Declaration, as in private actions, and not capable of delay, it is wont to be made by private men, (So *David* and his companions interpreted the Law, which permits the Priests only to eat of the Shew-bread, to have no binding force in the case of extreme hunger) so in publick actions, or in private also that may be delay'd, it is to be made by the Highest Power, the Defender and Guardian of Divine Law, according to the

the counsell of wise and godly men. And hither, for conclusion, I refer, that in the time of the *Maccabees*, it was enacted that it should be lawfull to give battell to the Enemy on the Sabbath day.

CHAP. IX.

of Jurisdiction about Sacred things.

TO Legislation, Jurisdiction is coherent, with so neer a tie, that in the highest degree one cannot be without the other. Wherefore if the Supreme Legislation about Sacred things, under God, agrees to the Sovereign Power; it followes, that the Jurisdiction also agrees unto it. Jurisdiction is partly Civill, partly Criminall. 'Twas a point of Civill Jurisdiction, that the Episcopall Sea of *Antioch* was abjudged and taken away from *Paulus Samosatenus*. The Criminal, from the chiefe part of it is call'd the Sword; *Hee beareth not the Sword in vain, but is an avenger upon all that do evill:* therefore upon them too, that doe evill in matters of Religion. Of this sort was the command of *Nebuchodonosor* the King, that they should be torn in pieces, who were contumelious against the true God; and that of *Josias*, wherby Idolaters were put to death.

1. Jurisdiction about Sacred things belongs to the Highest Power.

2. The effects of it are declared.

Death. Relegation also belongs to Jurisdiction. So *Solomon* confin'd *Abiathar* the Priest; without any Council, as the Bishop of *Ely* well notes; 'twas indeed for treason, but he had as good Right to punish him, if the offence had been against the Divine Lawes. So the Christian Emperours banisht *Arius*, *Nestorius*, and other Heretiques. *Esdra*s and his associates received Jurisdiction from *Artaxerxes*; whereby they punished the obstinate Jewes with the publication of their goods, and ejection out of the publick Society. The very same punishment in the Gospell is call'd *Casting out of the Synagogue*. For as *Esdra*s had all kind of Jurisdiction by the grant of the Persian King: so by the permission of the people of *Rome*, and of the Emperours afterward, the Synedry of the Jewes retained this part of it, with the power of binding and scourging. We learn out of the Hebrew masters, that there were three degrees of casting out of the Synagogue: by the first, *Nidui*, the party was commanded to stand off in the Synagogue in a meaner place: by the second, *Cherem*, He was not permitted to appear in the Synagogue, nor any other suffer'd to make use of him, nor allow him any thing, but to sustain his life in a most slender manner: the third degree,

in

in Chaldee *Scammatha*, was the proper punishment of him, who by the Law of *Moses* had deserved death, but, the Power of capitall Judgement being taken away, could not be put to death: his touch and commerce all men shunned. Some such thing seems that to be in *Johns* Epistle, casting out of the Church, which *Diotrephes* did, that lov'd preeminence, *Ep. 3. v. 10* and assum'd unto himself Dominion.

'Tis also a point of Jurisdiction to abdicate any one from the Priests Office, which *Josias* did to the Schismaticall Priests, only allowing them wherewith to live. So *Theodosius* and other Emperours made decrees about the deposition or restitution of Bishops. *Constantine* threatens the contumacious Bishops, and tels them they should be rul'd, by the vertue of Gods servant, that is, saith he, *my self*. For we must note, to the right of the sword it belongs, not only to eject out of that Office, which flows from the Empire of the Highest Power, but from all other Offices of what kind soever.

That Jurisdiction about Sacred things, being a part of Empire largely taken, agrees to the Highest Powers, is very plain. Let us see, whether any Jurisdiction, Humane Law being set apart, agrees to the Ministers

3. Jurisdiction properly so called belongs not naturally to the Pastors.

Ministers of holy things: and afterward, we will consider what is given to them by Humane Law. Naturally, the Priests have no Jurisdiction, that is, no Coactive or Imperative Judgement: because their whole Function includes no such thing, in the nature thereof. That Jurisdiction which the Priests had in the Primitive State of the Naturall Law, they had as Magistrates, not as Priests; for even when the Priesthood was not joynd with the Highest Power, seldome were the Priests without some power. Hence is *Cohen* a name common both to Priests and Magistrates; and among many Nations the Custome was the same. For the *Druids* among the *Gauls* were the most noble of that Nation; and among the *Cappadocians*, as *Strabo*, himself a *Cappadocian*, tels us, the Sacerdotall dignity was next to the Regall, and Kings and Priests were for the most part of the same family. *Tacitus* writes, that the German Priests of old, had alone the Power to punish; and among the Romans, that which *Lentulus* said in the Senate, *The Priests are judges of Religion*, signifies not only the judgement of skill, but of power. But the Mo-
saicall Law plainly to the Priests, and principally to the High Priest, as it gave
eminent

4. Yet by
Law Po-
sitive it
belongd
to them in
some Na-
tions,

*Cic. l. 4. ad
Attic.*

eminent dignity, so Jurisdiction too, yet under the Highest Power, whether a King or Councill. And 'tis manifest, where neither a King was constituted, nor a Judge, there the High Priest was Prince, as being the most eminent among all, whether Private men or Magistrates. Examples whereof are *Heli*, and afterward the *Asmoneans*. That among the Jewes the Sacerdotall Nobility was of prime note, both *Iosephus* and *Philo* observe. That the Priests had Magistracy, even this alone may prove, *that he is to dye who obeyed not the command of the Priest*. In which Law the High Priest is equalled to the Highest Judge. Nor did they only give judgement in Sacred but in Civill affairs, being the best interpreters of the whole Law, at that time the wisdom in Divine and Humane Law being not divided. Whence also, *Philo*, where he brings in *Moses* upon the Tribunal, saith, that the Priests sate with him on the Bench. But in the Evangelicall Law, Christ having not given unto Pastors any Dominion or Command, neither hath he given them any Jurisdiction, that is, coercive Judicature. Yet let us see, what actions there are, either of Pastors, or of the Church it self, which have

Deut. 17.
8.
L. 3. de vit.
Mos.
5. Pastoral
acts of
Divine
Right,
which
seeme to
come neer
to Juris-
diction,
and yet
are dis-
tinct
from it.

6. The
Apostoli-
call rod.

2 Cor. 13.
10.

10.6.
13.2.

Acts 4.13.

1 Tim. 1.

20.

1 Cor. 5.

any shew of Jurisdiction, and therefore for their likenesse may come under that name. Those actions we doe here consider, which owe nothing to Humane Law, or to the will of the Highest Power. To Jurisdiction doth seeme to pertain that Rod, wherewith *Paul* threatneth the *Corinthians*; whereby is meant, as the Apostle explains himself, *to use sharpnesse, to revenge all unrighteousnesse, not to spare*; all which are expressions of certain miraculous vertue of imposing punishment. Thus *Ananias* and *Saphira* fell down dead; *Elymas* was smitten with blindness, *Hymeneus* and *Alexander*, and the incestuous *Corinthian* were deliver'd to Satan. To deliver to Satan, was plainly a point of miraculous Power, which inflicted torment on the body, such as *Saul* in former time felt after his departure from God, as *Chrysostome* and other Fathers interpret. This is certaine, when the earthly Powers used not the Right of punishing, God had given them, to purge and defend the Church; what was wanting in Humane ayde, God himself supplied by Divine assistance: But, as *Manna* ceased, after the people were brought into the promised Land; so, after the Emperours took on them the Patronage

tronage of the Church, whose Office was to punish them that troubled the Church without or within, the forenamed Divine punishments expired. To speak to the purpose, that Divine execution of revenge was properly the Jurisdiction of God not of men, because the whole work was Gods, not the Apostles. God, that he might give testimony to the truth of the Gospell Preacht, as at the Apostles prayers, or presence, and touch, he healed diseases, and cast forth Devils: so, at their imprecation, commanded men to be vexed with diseases, or seized on by Devils. Nor did *Paul* more in delivering men to *Satan*, than did *Peter* and *John* in curing the lame man, who say, they did *nothing* by *their own Power*, and transcribe the whole effect to God. At the Churches prayers also did God often shew the like signs of his displeasure; therefore are the *Corinthians* blamed, that they mourned not, to the end the incestuous person might be taken away from among them. And to the same effect is that wish, not command, of the Apostle, to the *Gal.* *Would they were cut off, that trouble you.*

Acts 3. 12.

1 Cor. 5. 2.

Gal. 5. 12.

Now, in the perpetuall Office of the Pastors, some resemblance of Jurisdiction hath the use of the Keys. So, by Christ himself

7. The use of the Keys.

himself is called, that application of the Gospel-threats and promises, which is made to particular men. Whereunto Preaching hath the same proportion, as Legislation to Jurisdiction; wherefore by the same figure is the use of the Keys call'd Jurisdiction, as the Preaching of the Gospell Legislation. It hath been shewed afore, that Christ, as alone he gives Law to souls, so alone he passeth sentence on them, not only in the end of the world by the last judgement, but in the meane time also by retaining or remitting sins. He alone, saith *Ambrose*, *remits our sins, who alone hath dyed for our sins.* And *Ferome* saith, *As the Priest makes the leproous clean or unclean, so the Bishop or Presbyter binds or looses.* The same Father shews, where he, that useth the Key, erres either *in fact* or *Law*, there the Key is of none effect. 'Tis otherwise in Jurisdiction; for there, what the Judge erring hath pronounced, stands, by reason of his Authority that gives sentence, and passeth into a judged case. As then, the Cryer doth not give the sentence, that he declares either rightly or amisse; so the Pastor, in that use of the Keys, cannot properly be said to exercise Jurisdiction.

3. Pre-
scription
of the

To the use of the Keys coheres the pre-
scription

scription of works of penance; which if it be generall, as that of the Baptist to the Jews, *Bring forth fruits meet for repentance*; and that of *Daniel* to the King, *Break off thy sins by mercy*: or if speciall, as the enjoining restitution, and open detestation of an open offence; it pertains to the annuntiation of the Law, not to Jurisdiction. But if that be specially prescribed, which the Divine Law hath not specially defin'd, this belongs not to Jurisdiction, but ought to be refer'd to *Counsell*, by which name it is very often called by the antient writers. Wherefore, as Philosophers, Physicians, Lawyers, and friends also giving Counsell, doe not properly *pronounce sentence*, although oftentimes the Counsell is such as cannot, without great fault, be rejected: so neither doth the Pastor pronounce sentence, or use Jurisdiction when he affords advice whole some for the soule.

Moreover, it is annexed to the use of the Keys (which also hath some appearance of Jurisdiction) not to exhibite unto certaine persons the seals of Divine grace. But, as he that Baptizeth, or gives the *Eucharist* (as the old manner was) into the mouth or hand of the receiver, exerciseth not Jurisdiction, but only a Ministeriall

works of penance, by way of direction or persuasion.

9. Non-exhibition of Sacraments.

M

act:

1 Cor. II.
29.

act: so likewise, he that abstains from the same actions. Nor is any difference here between *visible* and *vocall* signs. By what right therefore a Pastor declares in words to a man openly wicked, that he is an Alien from the grace of God, by the same right he forbears to exhibite Baptisme to him, it being a sign of the Remission of sins; or if he be Baptiz'd, the Eucharist, it being a signe of Communion with Christ. For the signe is not to be applyed to him, to whom the thing signified belongs not, nor is a Pearl to be cast to Swine, but (as in the Churches was wont to be proclaimed by the Deacon) *Holy things are for holy persons*. Yea, it is not only against verity, but against charity too, to make him partaker of the Holy Sacrament, *that discerneth not the Lords body; for he eateth and drinketh damnation to himself*; Here then, seeing the Pastor only suspends his own act, not exerciseth any right of Dominiion over the acts of other men, it appears, these things pertain to the use of liberty, not the exercise of Jurisdiction. The like in some proportion wee observe in a Physician, that attending his Hydropic patient, will not give him water when he calls for it, because 'tis hurtfull: or, in a grave man, that

that will not vouchsafe a debauched man the honour of Salutation: and in those, that avoid the company of men infected with Leprosie, or other contagious disease.

We have looked upon the actions proper unto Pastors; let us come to them, which belong unto the Church, or are common to the Pastor with the Church. First then, *the people* (that we may speak with Cyprian) *in obedience to the Precepts of our Lord, ought to separate themselves from a sinfull Pastor.* For command is given to every one particularly, and to all in generall, *to take heed of false Prophets, to fly from a strange shepheard, to avoid them that cause divisions and offences contrary to the doctrine.* Secondly, the faithfull are commanded to decline their familiar conversation, who, being named brethren, are *Whoremongers, Idolaters, Railers, Drunkards, Greedy, Heretiques, making a gain of godliness, or otherwise behaving themselves inordinately, against the Institution of Christ.* *Withdraw your selves from such, be not mingled with them, turn away from them, eat not with them,* saith the Apostle Paul in sundry places. For such men are (as the Apostle Jude speaks) *spots in the love feasts of Christians.* Wherefore when the Scripture makes use of these words; 'tis manifest,

10. The Churches acts of Divine right, which seem to come neer Jurisdiction, but yet are distinguished from it. Separation. Epist. 68. Jo. 10. Rom. 16. 17. Tit. 3. 2 Th. 3. 6. 14. 2 Tim. 3. 6. 1 Cor. 5. 9. 13. 1 Tim. 6. 6. 12.

no act is signified greater than a private one; for what is the Church here bid to do, but what a Disciple doth, when he deserts an evill Doctor; or honest men doe, when they renounce the friendship or society of their Companions fallen into wickednesse? The words, that afterward came into use, *Deposition* of the Pastor, and *Excommunication* of the Brethren, seem to come neerer to the nature of Command; but words are to be measured by the matter, not matter by the words. A Church is said to *depose* the Pastor, when it ceaseth to use his Pastorship; to *Excommunicate* a brother, when it withdrawes it self from his Communion; in both cases, it useth its own right, taketh away no right from another; and although it doth not that without judgement, (whence also the
 1. Cor. 5. 12 faithfull are said to judge those that are within) it exerciseth no Jurisdiction properly so called; for *Jurisdiction* is of a Superiour over the Inferiour, but *Judgement* is often among equals; as in that place, *Judge not, that ye be not judged.*

Mat. 7. 1.
 11. Canon-
 ical acts,
 superad-
 ded to the
 acts of
 Divine
 right, and
 distinct
 frō them.

Having weighed what is of Divine right, let us now see what hath been added, either Canonically or Legally. This was Canonically, and sprung from the Pastors Counsell, and the Churches consent, that

that inquisition began to be made into actions also not manifest; and that such as abstained not from their sin, were not admitted to the Holy Communion, but after a certain space of time; for it was not unlawfull to doe otherwise, but this way was more expedient both for the lapsed and for others. For the lapsed, that they might the more detest their sin; for others, that the example might deterre them from the like offence. Hence it was, that persons guilty of some grievous crime, first bewailed their fault for a while without the Temple, and after by severall steps were admitted to the Prayers of the faithfull, and last of all to the Sacred Mysteries. With the like severity did the *Essens* of old chastise the offences of their order, as *Josephus* relates; and at this day the Jewes, being but meerly private men, doe enjoin penalties to the followers of their sect, that are delinquents. He that hath kill'd a man, standing out of doores proclames himself a man-slayer. To others are appointed abstinence, stripes, and exile also; for what is wanting to the Power of the Rulers, is supplied by the reverence of those that obey.

To return to the Christian discipline: that the Institutes thereof were never rec-

Conc. An-
cyr. C. 7. 2.
& 5.

known as Lawes Divine, appears by this, because 'tis not in the power of man to give a Dispensation or Indulgence then; but it hath been alwayes in the power of Bishops, with respect had to the life of the Penitents, either to prolong or shorten the time of their penance. Yea, and generally men in danger of death were received to Communion; Which the *Nicene* Synod calls an antient and Canonick Law: which agrees also with the custome of the *Essences* in *Josephus*. And among those, that by Divine Law are forbidden to be partakers of holy things, to wit, the impenitent, some are by the Canons kept only from the Communion of their own Province; others, the Clergies Communion being interdicted them, are admitted to the Communion of Laicks; and for the same crime a Lay-man is Excommunicated, a Clerk put out of office. Besides, *Austin* teaches that Excommunication must be forbore, *if the contagion of sin hath invaded and o'respread the multitude*. Which exception were not to be admitted, were Excommunication grounded only on Divine Law. It appears therefore, many things were added out of Humane consent, which, as long as they were destitute of Imperiall Authority, had not only no force of

of compelling, but, saving by consent, obliged no man : unlesse perhaps by that Naturall Law, which commands offences to be avoided. In the same manner, as the Canons themselves, did the Judgements given according to the Canons, oblige every one ; for, as to the debate of meaner busineses, the Laicks were appointed by *Paul* the Apostle's counsell, for composing of differences : so, in the more weighty affairs, the Clergy were the Judges ; unto which judgements, pertains that admonition, proceeding from naturall equity : *Against an Elder* (that is, a man of approved faith) *an accusation is not to be received without two or three witnesses.* 1 Tim. 5. 19.

But after the Emperours embraced Christianisme, then at length to Pastors, as men that perform'd a publick office, was some part of Jurisdiction given. This was threefold; by ordinary Law, by consent of parties, by delegation. By ordinary Law, the Bishops were allowed to judge of things pertaining to Religion. The first that seemeth to have made this Constitution was *Valentinian* the first, whose rescript *Ambrose* cites. 12. Jurisdiction granted to Pastors by Positive Law. Other Emperours L. 5. Ep. 32 did the like. *Justinian* by his Constitution, exempts Ecclesiasticall affaires from the Cognizance of the Civill Judges ; and Nov. 89.

cap. 9.

leaves them to the Bishops. In other causes, both Clerks and Laicks pleaded not before the Bishops, but by their own consent. Which Jurisdiction by consent, the Bishops receiv'd from *Constantine*, with so full a Right, that the Cause which the Bishops had once decided, should be carryed on no further; that is, there should be no appeal from the Bishops sentence. Afterward, by the Synod of *Chalcedon*, it was made unlawfull for Clerks against Clerks to run forth to the Secular Tribunal, but first the action was to be examined before him, whom by the advice of the Bishops the parties should have chosen. And yet, if the Clerks did otherwise, the secular Judge wanted not Jurisdiction, but the Clerks were lyable to the penalties of the Canon. First of all the Emperours, *Justinian* circumscribed the rights of the Secular Judges, and commanded, that Clergymen, whether by Lay or Clergy, in *Civill* Causes, should only be sued before the Bishop; yet so, that the Bishop might remit the difficult Controversies to the Civill Judges: and he might also appeal to the Civill Judge, that would not rest in the judgement of the Bishop. But the punishments of the Clergy for *Crimes* not merely Ecclesiasticall, at that time, and long after, remained

remained in the hand of the Civill Judges. That which wee have said of the non-appeal from the Sentence of the Bishop chosen Judge by consent of parties, the same, *Arcadius* also, *Honorius*, and *Theodosius* doe shew in the Epistle to *Theodorus Manlius Pratorian Præfect*: Let the Bishops sentence be firm for all, that have chosen to be heard by Priests; and wee command the same reverence to be given to their judgement, which must be given to yours, from whom it is not lawful to appeal; For from the *Pratorian Præfects* was no appeal, but if any one said he was oppressed, 'twas lawfull for him to Petition the Emperour. Whence the *Pratorian Præfects* are said to Judge in the Sacred place, that is, the Imperiall; which may be as rightly said of Bishops judging by consent of Parties. The same right is attributed to the Patriarks, to whose cognizance the causes Ecclesiasticall were deferr'd, which with Inferiour Bishops could find no end. Against the Sentence of these Prelates (saith *Iustinian* speaking of the Patriarks) there is no place for an Appeal, by the Constitution of our Ancestors. The third kind of Jurisdiction wee have called that which ariseth from delegation, whether of the Highest, or the Inferiour Power; in this kind of Causes,

I. l. Cod. de sent. pr. pr. l. à procon. C. Th. de appel.

Sancimus, Cod. Epist. caus.

Causes, was alwayes granted an Appeale unto the Emperour, if Judgement were given by the Emperours command ; or to the Judge, whosoever he was, if by the Judges Precept. In the name of Jurisdiction, we comprehend the right of citing Witnesse, of imposing on them an Oath, and binding the party overcome by Sentence, unlesse Appeal were made ; upon whom also execution was done, not truly by the hand of the Bishop (that was not becomming) but by the hand of the Civill Judge. Hence was the Jurisdiction properly called *Audience*, because the Judge himselfe executed not the Sentence.

13. The efficacy of his Jurisdiction.

Wherefore, above that, which the Pastors and the Church had by Divine right, and by the meer Canons, much was added by Humane Law, and the grant of the Highest Powers. The people now, had not only right to avoid an unfaithfull Pastor, but such a Pastor by vertue of a Sentence pronounc'd against him, lost his Pastorall right, and whatsoever he ascribed to it : and, if he attempted any thing against the Sentence, was punisht with relegation. So the Pastor now, had not only right to deny the Sacraments, and every one to deny familiarity, to the brother of an irregular life, but it was also unlawfull for

for him to approach unto the Church.

Nor ought we to wonder, this Right, by Christian Emperours, was given to Christian Pastors, when the same indulged thus much to the Jewes, that none should be admitted into their Sect, nor be reconciled to it, without consent of their Primates. And so the Pagan Emperours of old, as *Ulpian* saith, *Imposed such Commands upon the Jewes, which might not offend their Superstition*; but the Christian Emperours gave them this farther privilege, that the Masters of their Synagogues, and other Presidents of their Law, were free from personall and civill offices; and if two Jewes, by agreement, referr'd their Controversies to the Jewes, the Judges should execute their Sentence. So much favour did the Christian Emperours bestow upon the Jewes, *for the beginning Truth had among them, and for hope of their future Conversion*; as the antient Fathers love to speak.

This is also to be noted, Besides that re-
legation from the Society of the faithfull, other incommodities were annexed to Excommunication, to the end, the offenders might be the sooner brought unto repentance. And that this was no new thing, but of most antient Custome, deduced even from

14. The Jewes had the like granted them.

l. generaliter. ff. de decur.

15. The accessories of Excommunication.

L. 6. de
Bel. Gall.

from the beginning of the world, or the reparation of it after the Flood, the perpetuall use of almost all Nations is an argument of no small moment. Memorable is that place of *Cæsar* concerning the *Druids* among the antient *Galls*; *If any private person, or publick, stand not to their Decrees, they forbid him their Sacrifices. This is among them the most grievous punishment. They that are under this interdict, are accounted in the number of impious and wicked persons: all men refuse their company, come not neer them, nor discourse with them, lest the contagion hurt them. They receive no advantage by the Lawes of the Kingdome, nor are capable of any honour in it.* At this day in some places Excommunicate persons are interdicted the use of Common Pastures; in other places, a mulct is set upon their heads; therefore doth *Luther* justly call the greater Excommunication a Politick punishment.

16. All
Pastoral
Jurisdiction
on properly
called
flowes
from the
H. Power.

All this Jurisdiction or Imperative Cognizance, Court and audience is deriv'd from the Highest Power. This was the meaning of the King of *Britain*, in that Law, *All Authority of keeping Court, and all Jurisdiction as well Ecclesiasticall as Secular, flowes from the Regall Power, as from the Supreme head.* And the Politia
Angli-

Anglicana speaks thus unto King James; The Ecclesiasticall Jurisdiction is plainly the Kings; a prime, principall, and individuall part of your Crown and Dignity. The Ecclesiasticall Lawes are the Kings Lawes, nor doe they arise from any other fountain, but the King, nor are they preserv'd by any other Power but his. From the Royall Power, all Ecclesiasticall Jurisdiction streams, by the Arch-Bishops and Bishops to the Judges Ecclesiasticall. Which is also the Bishop of Ely his meaning, when he saith, The Judgements of the Church receive externall Authority from the Emperour.

Having spoken of the acts, competent to the Churches and their Pastors, either by Divine or Humane right, the Designe of our Treatise carries us on to this consideration; what acts, and how farre they may be exercised about him, who is endued with Sovereignty. The naked use of the Keyes, with that which adheres unto it by Divine right, hath place, no lesse about the King, than about the least of the people: yea, is so much more necessary about Him, by how more there is in his sin, danger of contagion. Miserable is that Prince, from whom the Truth is concealed: and well did *Valentinian*, to exhort *Ambrose*, That he should proceed, according

17. How far those Pastoral acts may be used upon the Supreme Governour. Of the use of the Keyes.

18. Under
which
pretence,
cannot be
excused
feditious
Sermons,
Which
are refel-
led by
Scripture,
and the
objections
answered.

to the Divine Law, to cure the soules infir-
mities. Neverthelesse, they are injurious
to the Gospell, who under the name of the
Keyes, cover their popular declamations,
wherein they openly traduce the actions of
the Highest Powers, that are either of am-
biguous Interpretation, or not at all
known, or not certainly; and with much
acerbity inveigh against them before the
common people. This is a way to please
the people, who being naturally jealous of
their betters, lend a willing eare, and an
easie faith to such invectives; but 'tis not
the way to edifie them. Hence, it is neces-
sary, that seditions follow or, which is the
next step to Seditions, the Contempt of
the Sovereign; nor without reason hath
that most wise writer reckoned, *Doubtfull
specches of the Prince, among the incen-
tives of popular Tumults*. A wide difference
there is, between the preaching of the Gos-
pell, and the use of the Keyes. The prea-
ching of the Gospel, being to all, is so to
be attempered, that it may profit all; and
concealing the persons, aimes only at the
vices. It is an evill custome, to turn the
Pulpit into a Stage, and the sweet voice of
the Gospell, into the old reviling Come-
die. The antient Romans censur'd it as an
unworthy thing, to accuse any man in such

a place, where he might not presently give in his Answer: as Cicero relates. But God, by an edict of his Law, hath especially guarded, not the life only, but the fame of the Highest Powers, when He said, Thou shalt not speak evill of the Ruler; Where manifestly, we must understand somewhat more to be forbidden, than what is unlawfull toward private persons; nor is the Law meant of Power abstractly, or the Ruler only, that governs well. Paul applies that command to the High Priest Ananias, one that Judged contrary to the Law. Saul had grievously sinned; and Samuel in the severity of a Prophet denounceth Gods wrath against him: yet being asked by Saul, to honour him before the Elders and the People, and not to leave him, He denies not the request. Nathan accus'd not David, guilty of Adultery and Murther, before the people, but comes unto himself; as it is credible the Baptist did to Herod, when he told him of his fault. So the antient Bishops and whole Synods, in publick alwayes speak with greatest Reverence, even to the Pagan Emperours, and enemies of the Church, and to Constantius the Patron of Arians. Neither did the Investive Orations against Julian come forth in publick, till after his decease.

The

The Prophets, I confesse, being Divinely inspir'd, did not alwayes observe this Rule. And no marvell, seeing God, who by the ministry of Prophets anointed Kings; who by *Phineas*, by *Samuel*, and by others, slew whom he pleased; and did many other things not allowed to private men; He also by the same Prophets set a mark of publick ignominy upon irregular Princes. For what is more true, than that men specially inspired by God, to fulfill his Commands, are by him released from the bonds of Law. Wherefore when *Shimei* openly upbraided King *David* with his homicide, *David* to excuse him found nothing else to say, but, *It may be the Lord hath bidden him*: intimating thereby, that only one way there was, to justifie evill language to the King, if God hath given any one some speciall Injunction for it. The Prophets themselves, when they were accused for raising sedition, take their defence from nothing else, but a peculiar Command they had receiv'd from God. Truly, I doe not find, the Kings were thus traduc'd by the Priests, whose office was ordinary; as for the example of *Zacharias* the son of *Joiada*, in the Gospel, the son of *Barachias*, his Speech aymed not at the King, but all the people; and in a common fault,

2 Sam. 16.
11.

2 Chron.
24 20.

fault, he exhorted all to a common repentance, moved thereunto by the Spirit of God. This we know; Christ hath granted to them, who have received injury from the Brethren, that, after they had admonished the injurious, first alone, and then before a few, they might in the last place bring the matter to the knowledge of some pious Congregation; Where, by the name of Congregation or *Church*, learned men, and among them the famous *Beza*, not without reason, understand, not all the people, but the *Synedry*; for, by the *Septuagint*, the word is given to every Company: and in *Moses*, by *all the Congregation*, the *Synedry* of the Seventy Elders is signified, as *Aben Ezra*; and *Rabbi Solomon* have long since noted. This also we know, that the Corinthian, who had defiled himself with incest, was *reversed* of many: We know, that *Timothy* is enjoined, to rebuke them that sin, *before all*, that the rest may fear. Which place seems, by that which goes afore, to be understood of Presbyters that sin, who in the hearing of the other Presbyters were rebuked by the Bishops. But although we understand it generally, it is certain, these indefinite Rules admit their restrictions and limitations according to the quality of the persons. *An Elder*,

Mat. 18.

17.

2 Cor. 2.6.

1 Tim. 5.

20.

N

faith

1 Tim. 5. 1. saith Paul, rebuke not, but entreat him as a Father, and the yonger men as brethren. Much more honour is due to the Sovereign Power, and to Magistracy, than to age. Adde here, which many have noted, and is congruent to the Custome of the antient Church, that the Prelats of the Church are not to bee reprov'd before the multitude; how much lesse the King: who is, (as *Constantine* said) constituted by God as it were an universall Bishop?

19. All
coaction
of the
Highest
Powers
unlawfull.

2 Chr. 26.
20.

Now as ignominious traduction, so all coaction too, against the Highest Power, is unlawfull; because, all right of compelling proceeds from it, there is none against it. That which is objected concerning *Uzziah*, is answer'd by interpreting the text according to the Originall, thus: *And Azariah the chief Priest, and all the Priests looked upon him, and behold he was leprous in his forehead, and they made him hasten thence, yea also, himself was compelled to goe out, because the Lord had smitten him.* By the Divine Law, it was not permitted for a leprous man to be in the Temple; the Priests were therefore earnest in hastning the King away, because he was struck with leprosy, and the disease it self encreasing upon him made

made him depart of his own accord, The Priest declares, God compels.

We have said what may be done by Authority of Divine Right; the rest, that hath been added by the Canons, either naked, or cloth'd with Law, as it may, wee confesse, to good purpose be used upon the Emperour sometimes; so, if he oppose it or forbid, by what right or with what prudence it may be used, we doe not see. For, that all Government, which ariseth from consent, is under the Supreme Command, and that all Jurisdiction is not only under it, but also floweth from it, is demonstrated afore; nor is that in question, that the Sovereign is not bound by penall Statutes. Whence the antient Fathers have interpreted that of *David*, *To thee alone have I sinned*, to be spoken, because he was a King; whence also is that note of *Balamon*, to the twelfth Canon of the *Ancyran Synod*. *The Imperiall unctiō drives away penance*, that is, the necessity of publick satisfaction. Meane while 'tis true, that Kings, to their great honour, as in Civill affairs to their Courts and Parliaments, so in Sacred they may submit themselves to Pastors even as to publick Judges. For it is current, saith *Ulpian*, and a thing in practise, that if the

20. Canon
nicall acts
cannot be
exercis'd
against
the High-
est Power,
without
consent.

psl. 51.

l. est re-
ceptu n. ff.
de juris.

greater or equall subject himself to the Jurisdiction of the other, sentence may be given, for him, or against him. But this subjection, because it depends upon the Kings will, and may be revok'd at pleasure, diminisheth not a jot of his Supreme Command, as it hath been proved by very learned men. Whether or no it be expedient, that a King should suffer this Jurisdiction to be exercis'd upon him, is wont to be disputed. They that affirme, shew how by this submission of Kings, much strength & Authority accrue to the Discipline of the Church. 'Tis true, and spoken to the purpose, As the Princes, so will the People be, and the Rulers example hath the sweetest influence. But, for the Negative it is said, That the Common-wealth stands by the Authority of the Governour, and (as *Aristotle*) the consequence of contempt is dissolution. Certainly, if any credit may be given to them, that have recorded the affairs of the Emperour *Henry*, and among them to *Cardinall Benno*, the Rise of his calamity was, that publickly, with lamentable penance, naked feet, and coarse apparell, in an extreme cold winter, he was made a spectacle of men and Angels, and at *Canisium*, for the space of three dayes, endured the

the scorne of Hildebrand. A difference therefore must be made, between those things which are needfull to the publick profession of repentance, and the more grievous and ignominious punishments. To the former some of the Emperours, before *Henry*, rare examples of Christian meeknesse, have yielded willingly: but *Henry* was the first of all, upon whom any thing so ignominious was imposed, or any thing at all without a voluntary submission. And *Hildebrand*, or *Gregory VII.* was the first of all the Popes, that took upon him so great a boldnesse toward the Imperiall Majesty, as *Onuphrius* tels us; who also saith, that *the Kings and Emperours, who either upon just or unjust cause exempt themselves from these Positive censures, are to be resigned up to the Judgement of God.* And so the Kings of *France*, for many ages, have challenged to themselves this right, That they cannot be excommunicated. In what sort a Pastor, without such coaction, may satisfy his conscience in the use of the Keys, *Ivo Carnotensis* hath declared: Let him say to the Emperour, *I will not deceive you; I permit you at your own perill to come into the visible Church; the Gate of Heaven, I am not able to open for you, without a better reconciliation.*

21. How
the Pastor
may satis-
fy his con-
science.

22. What
is the
Right of
the High-
est Power,
about the
foresaid
acts of
Pastors
and Churches.

*L. 3. cod.
de episc.
& cleric.*

It remains now to shew, what is the Right and Office of the Highest Power, about those actions, which we have ascribed unto Pastors and Congregations. And first, as to those actions, which by the only Right of Liberty, and Privilege of Divine Law, are exercised, seeing by them also injury may be done to others, it is certaine, they are comprehended within the sphere of the Supreme Jurisdiction. For, not only the Actions, which proceed from the Authority of the Highest Power, but all Actions whatsoever, capable of externall morall goodnesse or evilnesse, are called to the judgement of the Highest Power. If married persons performe not to each other, what the Law of Matrimony requires; and if the Master of a Family neglect his charge; in these cases, the Courts of Justice are of use. Of all evill, the Power is ordein'd the Avenger. One among evils, and not the least, is the abuse of the Keys, and unjust separation, or denegation of the Sacraments. There is an Imperiall Law, prohibiting the Bishop, that hee Sequester no man from the Holy Church, or the Communion, unlesse it be upon just ground. And *Justinian* in his Novell, forbids all Bishops and Presbyters,

byters, to segregate any one from the Holy Communion, before cause bee shew'd wherefore the Sacred Rules will have it to be done. *Mauritius* the Emperour commands *Gregory* the Great, to embrace Communion with *John* of *Constantinople*. In *France*, the antient usage was by seizing on their Lands, and other wayes, to compell the Bishops to the Administration of Sacraments. And the Princes of *Holland* have often layd their Commands upon the Pastors to execute Divine service. Much more then, may the Highest Power challenge this right over such Actions, as have their force, not by Divine, but Canon Law. For, under the pretext of Canons, it sometimes happens, that the Canons are violated; and 'tis possible, the Canons themselves may be exorbitant from the Divine prescriptions. If either be, the Highest Power cannot deny the Plantifs, to take knowledge of the case. Now concerning those actions, which flow from Humane Law, and oblige men whether they will or no, and draw after them coaction, there is much lesse cause of doubt. For all Jurisdiction, as it flows from the Highest Power, reflows unto the same.

But as it is a part of Jurisdiction, not

2 Chron. 19
8. & 11.

22. Eccle-
siasticall
appeals
depend on
the High-
est Power.

only to Judge, but to appoint Judges, so belongs it to the Highest Power to doe both. Thus *Amaziah*, and the other Priests with him, are constituted Judges by *Jehoshaphat*. Neither can be shewed more evidently, the Jurisdiction of the Supreme in this kind of causes, than that all degrees of appealing depend upon his pleasure. Otherwise, why doe the Pastors of *England* appeale unto this or that Bishop, all the Bishops unto the two Archbishops? And there is the same subordination of the consistories, Classicall, (as they call them) and Provincially, and the Nationall Synods. Nor is the last terme of appealing limited by any Law Naturall or Divine. Wisely said the King of *Brittaine*, in his judgement every Christian King, Prince, and Common-wealth have it in their Power, to prescribe unto their subjects that externall forme of Government in Church affairs, which may suit best with the forme of Civill Government. And truly, of old, it was so done by the Christian Emperours. Otherwise, whence came that so great Prerogative of the Constantinopolitan Church? Whence had the Synod of *Chalcedon* power to abrogate the acts of the second at *Ephesus*? Now as in Civill businesses, the judgement

ment is permitted by the Highest Power, for the most part, to the appointed Courts, and at last, upon Petition against the greatest of them, the matter is referr'd to men most skilfull in the Law; or, more rarely, the Highest Power it self advising with learned Counsell gives finall judgement; but very seldome upon suspicion of some Court, calls forth the cause unto it self: so also in these controversies about Sacred things, it hath been most usuall by the ordinary Synods, and, upon appeal from their decree, by a certaine Assembly called for the purpose, to put an end unto them; it hath been lesse usuall, yet sometimes usefull, for the Emperour himself to judge of the Religion and equity of the former Judges. Thus in the case of the Donatists, after a double judgement of Bishops, *Constantine* did; who although he approved not the appeale, yet he refused not the tryall of it. But this is somewhat more rare, and yet not without right, that, if a Synod upon probable causes be declined, the Highest Power calls the cause before it self, and weighing the opinions of most eminent Divines, pronounces what is most equitable. The Synod of *Antioch* prohibits him that complains of injury received from a Synod, to trouble the

23. Exercise of Supreme Jurisdiction by himself or others.

Can. 12.

24. The
Highest
Power
may dis-
pense
with Ca-
nonicall
and Legal
penalties;
And judg
whether
Excom-
munica-
tion bee
just or no.

the Emperour with the hearing of his Case, so long as the matter may be rectified by a greater Synod. Yet this takes not from the Emperour the Power to heare the cause, if it be brought before him. Moreover, the modesty of the ancient Bishops hath attributed Power to Kings, not only to examine the right or wrong of Excommunication, but to pardon also and abate the punishment thereof, for so much as belongs to Positive Law. *Ivo Carnotensis*, a Bishop, and a stout defender of the Churches right against Kings, was not afraid to write unto his fellow-Bishops, *that he had received a certain person into Communion, in contemplation of the Kings favour to him, according to the Authority of a Law, that saith, whosoever the King receiveth into grace, and admits unto his Table, the Priests and Congregation must not refuse.* The Kings of *France*, and the Vindicators of the Regall Right, the Judges of the Supreme Courts, have often constituted and decreed, *that publike Magistrates, by occasion of that Jurisdiction they exercise, are not subject unto those Ecclesiasticall penalties.* So in the Decrees of *Hungary*, of the year 1551. the Ecclesiasticks are forbidden to send out, without the know-
ledge

ledge and permission of his Majestie, any sentence of Excommunication against the Nobles of that Kingdome. And in an ancient Law of the English it is read, that none of the Kings Ministers be Excommunicated, unlesse the King be first acquainted with it. Which I see the Princes of Holland have thought fit to imitate; for the same was promulged by *Charls* the Fifth, by his edict in the year 1540. Nevertheless, such use of the Keys as is congruent to Divine Law, and such injunction of penance as is consentaneous to the Laws and Canons, the Highest Powers are wont to approve. And this is the Imperiall *Anathema* mentioned in sundry of *Iustinians* Laws. We conclude, that Christian Powers at this time, doe not innovate, which will not, unlesse upon causes approved by themselves, suffer Excommunication, being joyned with publick shame, to proceed unto effect; which by their command inhibit censures manifestly unjust; for it is their Duty, to save every one from injury, and to keep the Church from Tyranny.

CHAP. X.

Of the Election of Pastors.

1. Two
perpetuall
functions,
of Presby-
ters and
Deacons;
And their
difference.

REmains that part of Empire, which, as we have said, consisteth in assigning Functions. The perpetuall Functions in the Church are two, of *Presbyters* and *Deacons*. Presbyters, with all the antients, I call them that feed the Church, by preaching of the Word, by Sacraments, by the Keyes; which by Divine Law are individuall. Deacons, which in some sort serve the Presbyters, as the Levites did the Priests of old. To this order are referr'd the *Readers*, who were in the Synagogues, as the Gospel and *Philo* shew, and were retained in the Church, as appears by History, by the Canons, and by the writings of the Fathers. In the Gospel, he that keeps the Book is call'd the *Minister*, which is even all one with *Deacon*: and the same appellation is given by the Synod of *Laodicea* to the Deacons of Inferiour degree, which were afterward called *Subdeacons*. But the most laborious part of Deaconship is about the care of the poore. *Presbyters*, the antient Latin Church translated *Seniors*. *Deacons*, I think, cannot otherwise be stil'd, than *Ministers*:

nisters: although there be some, who, as their manner is in other things, had rather carp at this, than acknowledge it to be true. I am deceiv'd, if *Plinius Secundus* did not understand both Greek and Latin; yet he, relating the Institutes of Christians, rendring word for word, names them Shee-Ministers, whom *Paul* entitles Shee-deacons, and the Church afterward *Deaconesses*. Now, as the Levites could doe nothing, but the Priests might do the same; so is there nothing in the Deacons function, which is excepted from the function of the Presbyter: because the Deacons were given to the Presbyters as Assistants in lesser matters. Before Deacons were ordained, one of the Apostles, *Judas Iscariot*, was Treasurer of the Lords mony; and after him, all the Apostles for some time distributed their allowance among the poor, untill the contention risen among the Widows, and the greatnesse of their other employments enforced them to use the help of others. And yet, the Institution of Deacons did not so acquit the Presbyters, but they had still the poor under their inspection. Hence were the Bishops chiefly trusted with the dispensation of the Churches mony, and that with so full a Power, as to be unaccountable, but to use
part

C.38.40.

41.

C.44.

part of it for the necessities of themselves and other men, and to deliver part to the Presbyters to be disposed among the poor: as appears in the Canons which are entitled Apostolicall, and in the Synod of *Antioch*. Unlesse the antient Custome had been so, in vain had the Apostle commanded a Bishop to be hospital; in vain had the *Antiochian* Collections been deliver'd to the Presbyters at *Hierusalem*.

2. These
four di-
stinguish-
ed,
Mandate.
Ordinati-
on.
Election.
Confir-
mation.

Now concerning the Constitution of Presbyters, whose function is principall and most necessary, we must note four things that by many writers are not accurately enough distinguished; The first is, the faculty it self of preaching, of administering the Sacraments, and using the Keyes, wick we will call the *Mandate*; a second thing is, the application of this faculty to a certain person, which by the received word we will stile *Ordination*; a third is, the application of this person unto a certain place or Congregation, which is called *Election*; the fourth is that, whereby a certain person in a certain place exerciseth his Ministry under the publick protection, and with publick Authority, and let us call this, if you please, *Confirmation*.

The first is to be distinguished from the second. To illustrate this with a *Simile*:

The

The Husbands power is from God; the application of that Power unto a certain person proceeds from consent; whereby yet the right it self is not given. For, if it were given by consent, by consent also might Matrimony be dissolved, or agreement made that the Husband should not rule over the Wife; which is not true. The Imperiall Power is not in the Electors; therefore they doe not give it: yet they doe apply it to a certain person. The Power of life and death is not in the people; before they joyn together in a Commonwealth; for a private man hath no right unto the Sword: yet by them it is applied unto a Senate, or single person. Christ, without controversie, is He from whom that right of Preaching, of exhibiting the Sacraments, and of using the Keyes, doth arise and receive its vertue. He also by his Divine providence, as he preserves the Church, so procures, that the Church may not want Pastors.

The second differs as much from the third, as for a Physician to be Licensed to practice Physick, and to be chosen Physician to such a City: or, for a Lawyer to be admitted to the honour of that Profession, and to be made a Syndic of some Corporation. These two have been ever distinct,
and

3. Of Or-
dination
without a
Title.

and sometimes separate. The Apostles were truly Presbyters, and so they call themselves; for the greater Power includes the lesse; yet was not their Function appropriate to any certain place. The Evangelists also were Presbyters, but to no place bound. And so, long after, was *Pantenus* ordained by *Demetrius*, Bishop of *Alexandria*; *Frumentius*, by *Athanasius*, and were sent to preach the Gospell through *India*; Which in our time hath been also done; and would it were done more carefully. Indeed the 6. Canon of the Synod at *Chalcedon* forbids Ordination absolutely, or, *without a title*; but this is not of Divine Law or perpetuall, but positive, and such as admits exceptions. The reason of the Canon was, lest by too great a number of Presbyters the Church shall be burdened; or, the Order it self grow cheap, and vile. The *London* Synod excepteth fellowes of Houses in both Universities, and Masters of Art living upon their own means, and who are shortly to undertake some cure. If the Bishop ordain any other, tis at his own perill; to keep them from want, unill they are provided for. Therefore *Election*, that is, assignation of a certain place, and *Ordination* are not alway joyn'd together, and when

when they are, they are not the same.

Which is farther proved, because they that are translated from place to place, must be chosen again, but not again ordained, which they must be, if either Election and Ordination were the same, or Ordination a part of Election. Besides, it will appear that Election was made by men of sundry sorts, but Ordination only by Pastors, and antiently by Bishops only. Hence *Paul* writing to the first Bishop of the *Ephesians* gives him Admonition, *That he lay hands on no man suddenly*. And the most antient Canons entituled Apostolical, require, *that a Presbyter be ordained by a Bishop, but a Bishop not without two or three Bishops*. Which Custome, it seems, came from the Hebrews: for the Senators of the Great Synedry could not be ordain'd, but by three Priests; and that by imposition of hands, as is noted by the Talmudists. Without question, this manner was most holy, and for the conservation of sound Doctrine most commodious: when none was admitted to teach the people, but he first receiv'd Allowance from the approved Doctors of the same Faith. Pastors therefore ought to ordain Pastors; nor is this their office, as they are Pastors of this or that Church, but as Ministers of the

4. Ordination only by Pastors.
1 Tim. 5. 22.

O

Church

Church Catholick. For, saith Cyprian, *There is but one entire Episcopacy, whereof every one is a partaker.* Hence it hath been alwayes held, that the Baptism is of force, given by a Presbyter without the limits of his peculiar Charge.

g. The H.
Power
hath Au-
thority
over it.

Nor is it materiall, whether the Election precede the Ordinarion, or be consequent to it; for, when it precedes, it is a conditionate, not plenary Election: which the Canons of later times have called *Postulation*. Over this Ordination the Highest Power hath an Imperiall inspection and care. *Justinians* Constitutions are extant, *of the Ordination of Bishops and Clerks*; and other Lawes of others, which prescribe the age and standing of men to be ordained. Lawes of good use, and fit to be reviv'd for the prevention of the Churches ruine, through the rawnesse and ignorance, and inexperience of her Teachers: according to that out of the old Poët:

*What lost your State, founded on so good Rules?
The publick charge was given to boyes and scoles.*

The fourth member of our distinction, *Confirmation*, differs as much from the third, as the Church considered by it self, differs from the Church publick. 'Tis pertinent here, that *Ezechiah* is read to have

Confir-

Confirmed the Priests ; that Pastors are defended by Lawes and Armes ; that some Jurisdiction or *Audience* is attributed to them ; that Maintenance is assigned them, out of the publick, either lands or moneys; that Vacation from civill offices, and in some causes exemption from the Court of Inferiour Judges is indulged to them. All which shewes, that their publick *Confirmation* is by the favour of the H.Power ; as the *Institution of their Office* is from God, their *Ordination* by the Pastors. Only there remaines to be disputed their *Election*, that is, the Application of the Person to the Place, or of the Place to the Person.

That we may handle this question exactly, we must have recourse to that distinction set down afore. Some things are of immutable right ; other things are just and right, untill it be constituted otherwise. In this later way, not in the former, the Election of a Pastor, in any place whatsoever, belongs to the Church or Congregation of the faithfull in that place. That the Election is rightly made by the Church, is proved by the very Law of Nature ; for, naturally every Society is permitted to procure those things, which are to their own conservation necessary ; in which number, is the Application of Functions.

cap. 7.

6. Right
Immutable
b'c,
Mutable.

7. How the
Election
of Pastors
belongs
to the
Church.

So have the Company in a ship, a right to choose the Master ; Fellow-Travellers their Leader ; a free people their King. Whence it follows ; if the Divine Law hath not prescribed a certain way of electing, and as yet no Humane Law thereof is extant, then the Election of their Pastor pertains unto the Church.

But he that will affirm this Right to be immutable, must evince the immutability, either by the Law of Nature, or by the positive Law of God. By the Law of Nature, he cannot : for no reason persuades it, and like examples shew the contrary. So, many Nations, who are under the Command of the best men, or of hereditary Kings, may not now Elect their King, because, that which Nature did permit, might be chang'd by Humane Law, and hath indeed been chang'd. He must then have recourse to Positive Law, which he will never be able to produce. Examples in stead of Law, hee must not allege ; for many things are rightly done, which yet are not necessary to be done. Nay more, not only many things, grounded upon examples of the Apostles time, but also some things Instituted by the Apostles, use hath altered : to wit, such things, which were not strengthened by the force of a Law. The
Apostles

8. Aposto-
lical In-
stitutions
subject to
change.

Apostles Instituted , that the Churches should have Deaconesses : which *Pliny* also shewes to have been among the Christians in his age. What Church is there now, wherein this Office is retain'd ? And *Beza* saith, he sees no cause, why it should be restor'd. The same *Beza* acknowledgeth, the Function of the Deacons to have been perpetuall, by Apostolicall Institution ; who neverthelesse approves the different usage of *Geneva*. The Apostles Instituted, that Baptism should be celebrated by immersion, which by aspersion is now perform'd. Many other things of like sort, need not be prov'd abrogated, seeing they are prov'd to have been used, they are not prov'd to have been commanded. But farther, it appears not out of the whole History of the New Testament, that Pastors were Elected by the people : that the manner of Election remained indefinite , is more easily collected thence. I speak of Pastors ; for , of the receivers of the Churches mony, there is not the same reason. The Apostles were very solicitous, lest by taking of the publick mony they should incur suspicion, or give offence. *Paul* might assume *Luke* unto himself, by his Apostolicall Power, and commit to him the custody and disposition of Collec-

9. Deacons, but not Pastors, elected by the people.

ctions for the poor : but he chose rather, to permit a free election to the Churches; for this reason, as himself speaks ; that no
 2 Cor. 8. 20 man should blame him, in the administration of so copious munificence. For the like cause, was the election of Deacons, remitted by the Apostles to the multitude , that no man should complaine of any partiality between the *Hebrews* and the *Hellenists*. But this was not perpetuall, the reason thereof being temporary ; for in the next times after the Apostles, the Deacons were not chosen by the people, but by the Bishops; the people being sometimes consulted with, and sometimes not.

10 Pa-
stors in
the A-
postles
time ele-
cted by
the Holy
Spirit,
And Ma-
th: as the
Apostle.
Jc. 6. 70.
13. 18.
Acts 1. 2.
Gal. 1. 1.

To proceed with the Pastors : the Princes of them, the Apostles, were elected by God the Father, and by Christ. *I have chosen you twelve : I know, whom I have chosen*, saith Christ. *After that He through the Holy Ghost had given Commandements unto the Apostles whom he had chosen*, saith Luke. Paul an Apostle, not of men, nor by men, but by Jesus Christ, and God the Father. So, them that were in the next degree to Apostles, the LXX. Evangelists, Christ himself appointed. This Divine Election to Preach the Doctrine, then first brought down from Heaven, is signified by the word of *sending* ; for, after the Election

Luke 10. 1.

Election of those LXX. it is said, pray the Lord, *to send Labourers into his Harvest*; *Luke 10.2.* and that is pertinent, How shall they Preach, *unlesse they bee sent?* When *Rom. 10. 15.* Christ was ascended into Heaven, the promised Comforter supplied his place. Therefore, both to the ambulatory, and to the standing Offices, the fittest men were chosen, by the judgement and testimony of the Spirit, but by the Ministry of the Apostles, or of them whom the Apostles had made Governours of the Churches. So *Timothy* was admitted to his charge *according to the prophecies which* *1 Tim. 1. 18.* *went before on him*: that is, saith *Theodoret*, by *Divine revelation*: not by *Humane suffrage*, saith *Chrysostomo*. And *Oecumenius* generally of that age, By appointment of the Spirit were Bishops made, not in a common way. Hence *Paul* in his oration to the Presbyters of *Ephesus*, tells them, *They were made Overseers over the Lords flock by the Holy Ghost.* Sometimes also, Lots were cast, that the people might, by the event, be certified of the Divine judgement. The most antient Authour, *Clemens of Alexandria*, hath left this written of *John the Apostle*, *By Lot, He chose the Clergy, of those that were signified by the Spirit.* Nor is it a new thing to

Act. 1. 23,
&c.

use Lots in the choice of Priests, but used also by the Gentiles, by the antient institution, doubtlesse, of the sons of *Noah*. This illustrates the History of *Matthias*: whom, I wonder by what argument, some have perswaded themselves, to have been elected by the people; for in *Luke*, there is no foot-step of such election. What is said, *They appointed two Barfabas and Matthias*, ought not to be referr'd unto the multitude, as *Chrysostome* would have it, but, as it is the common opinion of the Fathers, to those eleven, whose names are afore exprest, and who by the mouth of *Peter* had spoken to the multitude. These are they, who in the words immediatly following are said to have powred out their prayers unto God, and to have given forth their Lots, that it might appeare, not, whom the multitude, but whom God had chosen: for so themselves speak; wherefore, that which follows, is not to be rendered, *He was chosen by the suffrages of all*: (for who can believe, that the people were call'd to give their votes, after the Divine election, unlesse Gods pleasure ought not to stand, without their good liking:) but, *He was numbred with the eleven Apostles*, as the *Syriac* and all the antients have interpreted.

So,

So, there is another word in the *Acts*, wherein some are more subtile, than is necessary. The Apostles are said to have commended the faithfull *Lycaonians* to God, with prayer and fasting, after they had *ordained* them Presbyters in every Church. This ordaining is expressed by a Greek word, in whose Etymology some have found the suffrages of the people. And 'tis true, that both at *Athens* and in the Cities of *Asia* there was a Custome of giving suffrages with the hand stretched forth. And if we were delighted with that subtilty, 'twere easy to interpret the word of the Apostolicall Imposition of hands or Ordination; for he that imposeth hands must needs stretch them forth; and the next writers after the Apostles use the word in this sense. But indeed, neither the Evangelists, nor other Greek Authors are so curious in their words; yea there is scarce any word which hath not enlarged its signification, beyond the originall meaning. Againe, if *Luke* in this place would have signified a popular election, he would not have ascribed the word, *ordained*, to *Paul* and *Barnabas*, as hee doth, but to the multitude. Therefore *Paul* and *Barnabas* doe the same thing here, which in another place *Paul* would have

11. Popular elections not proved by. *Acts* 14. 23.

Ti. 1. 5. have *Titus* doe, that is, *ordaine Presbyters in every City*. That which *Titus* is commanded to doe, by the precept of the Apostle, the same doth the Apostle here, being so authoriz'd by the Spirit of God, that he needed not the assistance of the people. Lastly, the fasting and prayers did not precede the Ordination, but intervened between it and the Valediction; that it is strange, this should be drawn into an argument of popular election, when as, if the prayer and fasting of the people had preceded, this were nothing to the purpose. For, the people may also fast and pray to God, that the election of a King to be made by the Electors, may be prosperous and happy; yet are not the people therefore the Electors.

12. Nor
by the
precept
of avoy-
ding false
Teachers.

I have seen them, who would assert Election to the people by Divine and immutable right, upon this ground, that the people hath from God a precept to avoid false Pastors. But these men doe not observe, that this argument, if it have any force, proves Election to be the right not of the multitude only, but entirely of every single person. For all, and every one, must avoid false Pastors, with all care. And so must every sick man take heed of a rash Physician: but no man will therefore say, that

that the City Physician is to be chosen by the *Plebeians*. This may rightly be collected thence, before election can come unto effect, the people, and every one among the people, must have power to allege causes, if they have any, wherefore he, that is proposed, ought not to be elected. For *Paul* having spoken of Bishops, and passing unto Deacons, saith, *And let these also first be proved*, where, requiring that to be observ'd in Deacons, which was to be observ'd in Bishops, there is no doubt but he would have Bishops to be proved, especially seeing he said afore, that they must be *blamelesse*. Among the *Athenians*, there was a probation of their Princes, the forme whereof was this: What Parents and fore-Fathers they were extracted from, of what tribe they were, of what estate, what service they had done the Common-wealth. So, if a Pastor were to be elected, it was justly granted every one to enquire, what his behaviour was, how married, what his children were, and the rest which *Paul* would have observed in a Pastor. This is that in the Councill of *Chalcedon*, *Let the name of the* ordained be publist; for so *Lampridius* hath exprest it, in the life of *Alexander Severus*: When he appointed Governours

13. The old way of trying Pastors in the Primitive Church.

1 Tim. 3. 10.

Pollux l. 8.

can. 6.

of

of Provinces, he publisht their names, exhorting the people, if they had any thing against them, they should bring in their evidence; for, he said, it was a great grievance, not to doe that in choosing Rectors for Provinces, which the Christians and Jews did, in publishing the names of such as are to be ordain'd. This is indeed a Luculent Testimony of the old fashion of Christians, not much distant from the Apostolicall time. For between the decease of *John* the Apostle, and the Reign of *Severus*, are about a hundred years and ten. But this place is so far from evincing the Christian Priests to have bin chosen by the people, that hence you may rather conclude the contrary. For 'tis one thing to be admitted to prove crimes or impediments, another thing to elect. *Severus* did propose unto the people the Governours names: but that they were elected by the Emperour himself, no man, that hath read History, will doubt. Yea, 'twas needlesse to propose the Priests unto the people, if the people did elect them. It is most certaine, in the antient Church, after the Apostles age, although by right the people might choose their Pastors, that was not every where observ'd, but the people abstained very often from election

tion, by reason of the incommodities of popular Voting, retaining in the mean time the right of probation. And this is the sense (if it be rightly weighed) of Cyprian's Epistle to those of Spain; wherein some lay the chiefe foundation for Election by the people; for he doth not precisely say, *The people have power of choosing worthy Priests*, but either of *choosing worthy, or refusing the unworthy*. Either is sufficient for Cyprian's purpose, that an unworthy person may not creep into the place of a Priest. And in the following words, hee doth not say, a Priest is to be chosen by the people, but *the people being present*. Why so? that a fit and worthy person may be approv'd by the publike testimony and judgement; And a little after, that the people being present, either the crimes of evill men may be detected, or the merits of good men commended. How so? Because the people most perfectly knowes the life of every one, and hath best experience of his conversation. Neverthelesse, the same Cyprian in the same place declares, that, to choose a Bishop in the presence of the people was not a thing of universall Custome. It is held, saith he, *among us, and in all the Provinces, almost*. How weak the arguments are, which he allegeth out of Scripture, to prove

14. Cyprian doth not confirm, but everthrow Popular Election.

prove the peoples presence necessary, hath been shew'd by others. And the cause he brings hath hardly place, but where the Pastor of a City is to be chosen out of the people or Clergy of the same. But, that Elections were not alwayes made by the people, appears even out of *Cyprian* himself, in another Epistle, which is likewise thought to favour popular suffrages. In *Ordinations of the Clergy*, most dear brethren, we are wont to consult with you afore, and by common advise to weigh the manners and merits of every one: but humane Counsells are not to be waited for, when the Divine suffrages doe lead the way; *Aurelius* our brother, an illustrious young man, is already approved by our Lord, and called by God, &c. And then, Know ye therefore, most beloved brethren, that He was ordained by me, and my Collegues that were present. He saith, He was wont to consult with the people; that they were alwayes to be consulted with, he saith not: yea, by his example he shewes the contrary; for He with his Bishops had promoted *Aurelius*, the peoples advise being not required. Hee setteth down the cause: the people is advised with, to give testimony of life and manners: but *Aurelius* had a sufficient testimoniall from his twofold Confession, which *Cyprian* calls a

Divine

Divine suffrage. By the same right, Hee declares to his Clergy and people, by epistle, that *Numidicus* was to be ascrib'd to the number of the Carthaginian Presbyters, and that he had design'd the like honour for *Celerinus*.

That in *Africa* other Bishops also had right of Electing Presbyters, the saying of Bishop *Aurelius* in an African Councill sheweth; *The Bishop may be one, by whom, through the Divine grace, many Presbyters may be constituted.* And, that the testimonies of the people were not alwaies desired, is manifest in the third *Carthaginian* Councill: the words of the Canon are, *That none be ordained Clerk, unlesse he be approved, by the testimony either of the Bishops, or of the people.* Wherefore, two wayes lead one to the Clergy, Popular testimony, or Episcopall examination. Whence *Ferom* to *Rusticus*; *When you are come to perfect age, and either the people or the Prelate of the City shall elect you into the Clergy.* And in another place; *Let Bishops hear this, who have power to Constitute Presbyters through every City.* Yea, the *Laodicean* Synod, whose Canons were approved by a Councill Oecumenicall, rejecteth popular Elections: Upon which place *Balsamon* notes, that the most antient

15. Pastors oft chosen by the Bishops, not by the People.
can. 22.

Custom

Custome of popular Elections was abrogated by that Canon, for the incommodities thence arising: as he also notes upon the xxvi. of the Canons Apostolicall, that Presbyters were of old chosen by suffrages, but that custome was long since expired.

16. The
Election
of Bishops
By the
Clergy;
By the
Compro-
vincial
Bishops.

Now let us proceed to the Election of Bishops, a thing of so much more moment, than the former, by how much more care of the Church was imposed on the Bishops, than on the meer Presbyters. No man denies them to have been chosen by the people, that is, by the Laity and the Clergy, after the Apostles time: but, this to have been of right immutable, no man can affirm. For, to passe by the examples of them that have been constituted Successors by the deceasing Bishops; it is a thing of most easie proof, that Bishops were very often chosen, either by the Clergy of their City alone, or by the Synod of their Comprovinciall Bb. For the right of the Clergy, the place of St. *Jerom* is remarkable: *At Alexandria, from Mark the Evangelist, unto Heracles and Dionysius the Bishops; the Presbyters alwayes named one to be Bishop, chosen out of themselves, and placed in a higher degree. Nazianzen speaks ambiguously; He would Ele-*

Elections were permitted, either to the Clergy alone, or chiefly to them; for so lesse evill would befall the Churches: yet withall he shewes, this was not observ'd in his time, but the suffrages of the richest and most potent men, yea, the Votes of the people too, had the stroke in Elections. But, the Election made by the Comprovinciall Bishops is approved by the great *Nicene* Synod, without any mention of *can. 4.* the people. Whereunto agrees the *Antiochian*, adding this, If any contradicted *can. 19.* such Election, the suffrages of the greater part of Bishops should carry it. Yet I deny not, in many places, even in the time of these Synods, the people also had their Votes: but the custome was not universall. It was free, untill the Synod of *Laodicea* was confirmed by an Universall Council: the xii. Canon whereof, following the *Nicene* and *Antiochian*, gives the right of Electing to the Comprovinciall Bishops: the xiii. expressly takes away all Sacerdotal Elections from the multitude. *Justinian* also hath excluded the common people from the Election of Bishops, and committed it namely to the Clergy, and the prime men of the City. By the prime men he means the Magistrates and Officers. Among many named, the designation of

one he committed to the Metrapolitan : yet so, that, if there were a scarcity of able men, the Election of one, by the Clergy and principall men, might stand. Notwithstanding this Constitution of *Justinian*, (which did not long outlive him,) soon after, there was a return to Synodicall Elections : which *Balsamon* relates were usuall in the East in his time also ; with this exception, that the Metrapolitans were chosen by the Patriarchs, the Patriarchs by the Emperours.

17. Mutability in the manner of Election.

Wherefore we conclude, it is neither proved out of the Scripture, nor was it believ'd by the antient Church, that the Election either of Presbyters, or of Bishops, did immutably belong unto the people. Of this judgement also, they must needs be, whosoever have transferred the Election to the Presbytery ; for, were it of Divine and immutable right that the Multitude should Elect, the election could not be transferred to the Presbytery, more than to any others. Neither were the Compromise of any value, which we read was often made concerning Election, if it be determined by Divine Precept, that the common people must choose the Pastor ; for that sentence, *What a man doth by another, hee seems to doe by himself*, pertains only to those

those actions, whereof the next efficient cause is undetermined by Law. Certainly, the very same thing, that wee say, was judg'd against *Morellius* at *Geneva*, that is, in that City, wherein great honour, great right belongs unto the people; which Decree, the most learned *Beza* defending, *That the whole multitude*, saith he, was call'd together, and gave their Vote, was neither essentiall, nor perpetuall. In the same place, he thinks it sufficient, if the common people be allowed to bring in reasons, why they are displeas'd at the Election, which reasons afterward are lawfully to be examin'd. *Beza* himself commits the Election to the Pastors and Magistrates of the City; which is congruent enough to *Justinian's* Law, but is not of right Divine and immutable; for how can that be prov'd if Ordination and Confirmation be rightly distinguish'd from Election. And the antient Church was of another mind, permitting to the Bishop the Election of Presbyters, and of the Bishop to the Comprovinciall Bishops. Wherefore, the manner of Election is of the number of those things, that are not specially determined by Law Divine, but only under generall Rules, which command all things to be done in the Church for edification,

18. In Elections the Highest Power hath a Legislative right.

L. 2. de E-
pisc. Ord.
& Instit.

cation, in the best order, and without confusion. But in all things of this nature, those generall rules remaining safe; wee have demonstrated afore, Legislation belongs to the Highest Power. Bullinger, a man of a very sharp judgement, is of the same mind, who having alleged many examples of popular Election, inferrs thus; Yet I will not thence conclude, that the right of electing Bishops, is to be reduced to the promiscuous Votes of the common people; for, whether it be better, that the Bishop be design'd, at the meeting of the whole Church; or by the suffrages of a few; no right Constitution can be prescribed to all Churches: for severall Countries have severall Laws, Customes, and Institutes. If any in whom the right is, abuse it by Tyranny, they are compelled into order by the Holy Magistrate, or the right of designing Ministers may be transferr'd from them to others: for it is sufficient, that some Elders performe that office of Electing, upon command of the King or Magistrate, by the advise and Counsell of men who understand what the function of a Bishop is: what is the condition of that Church or People, over which a Pastor is to be appointed; who also can judge of the endowments, the learning and manners of every one. By this right, Justinian, as we have

have said, Constituted a manner of Electing, somewhat receding from the former usage, and the antient Canons; by this right, after the *Nicene Canon*, were many Bishops elected by the Clergy and the People. The Lawes of *Charles the Great*, and other Kings, are extant, containing divers wayes of Electing, so that *Bucer* said most truly, *The form of Election is prescribed by pious Princes.*

Let us now consider, whether the Highest Power it self may make Election: the question is not, whether it ought to make it; nor, whether it be alwayes expedient to doe so; but, whether, if it doe make Election, it commit any offence against the Law Divine. We say, with the excellent *Marsilius Patavinus*, *The Law-giver or Prince is not, by any Law of God, prohibited from the Institution, Collation, or Distribution of Ecclesiasticall offices.* Whosoever affirm the contrary, doe accuse of impiety, innumerable pious Princes of antient and of this age; which truly is a point of great temerity, when no Divine Law can be produced to prohibit it, as hath been abundantly by others, and by us in some part demonstrated. Although this might suffice (for whatever is not circumscrib'd by Divine Law, is within the sphere of the

19. And may it self make Election, upon just cause.

P 3 Highest

Highest Power :) yet, for the defending of our sentence, both reasons and examples are in readinesse.

20. This
proved by
reason;

The first reason is taken hence, that all actions, even those that naturally belong to others, not having causes determined by nature, we see are rightly exercised by the H. Power. Naturally men choose teachers for their children, and give them Guardians; sick persons make use of what Physician they please; Merchants elect the Curators of their Company: Yet in many places, Guardianship is appointed by Law alone, or the will of the Magistrates; Physicians are constituted by publick Order, and Informers of Youth too, with interdiction of others from the practice of those faculties; and to the Companies of Merchants are fit Curators also appointed by the Highest Power, without blame of any any. But, if this right be competent to the Highest Power, over those things, which did belong to every one, much more over those things that belong unto the People; because, the power of the people is devolved upon it, as all men know, that have any knowledge of the Lawes. That sometimes there may be just causes, why the H. Power should challenge to it self the Election of Pastors, no wise man will deny. For often
 errors

errors introduced into the Church against the word of God, cannot be rooted out by other means; often, there is no other way to avoid Schism; often, the suffrages of the Clergy are disturb'd with factions, popular election with seditions; whereof are extant many examples, even of the purer times. Adde in the last place, that the times are now and then so boisterous, that the King will hardly keep the Crown upon his head, except hee have a care, the Pastors may be most obedient and faithfull to him. Verily, all Histories doe witnesse, how dearly the German Emperours paid for their abdication of this Imperiall Right.

That we may come to Examples, it hath been shewed afore, that before the Mosai-
call Law, and afterward among the Nations without *Judea*, Kings themselves enjoyed the Priesthood, the Divine Law not then forbidding it : at which time, there can be no doubt, the Priesthood might also have been committed by them to others : as we read the Pontifs and Flamens were created by the Kings of *Rome*. But, among the Hebrew people, after *Moses* Law, no man, except of *Aarons* family, could be admitted to the office of a Priest; nor to the service of the Temple, unlesse he were a Levit. Hence, is *Feroboam* justly blam'd,

21. And by examples, in the state of Naturall Law; And under the Mosai-call.

1 Reg. 12.

32.

for choosing Priests who were not Levits; for the Law did not allow it; nor was it in the King, to command Sacrifices to be offered, in any place but the accustomed, which, after *David*, was *Jerusalem*. Other Functions, or the places for them, the King might assigne to the Priests and Levits. So were some Levits appointed by *David* for preaching, others for singing. And, that there should be Singers with Harps and other Instruments, was God's precept by the Prophets: as the application of persons to the severall offices is every where attributed to *David*, under the name of King; and, after *David*, to *Solomon*: and *Jehoshaphat*, the King, not the Prophet, by name electeth Priests and Levits, whom he might send forth to the Cities of *Juda* to instruct them. The very same thing *Aug. in Ps.* that is here debated. For, as some Fathers
 44. were of opinion, the right of blood in the Moisaicall Law, is correspondent to the Imposition of hands in the Christian Law. As then, the Hebrew King may apply certain persons, to a certain office and place, but only such as were of *Aarons* family and Levits; so the Christian King rightly makes a Presbyter or Bishop of a certain City, but of them which are ordain'd, or to be ordain'd. And so did *Nehemia's*

Lieutenant

Lieutenant to the Persian King, leave some Levites in the particular Cities, others hee called forth unto *Jerusalem*. Yea, the High Priest attained not that dignity by Succession, but Election of the great Synedry, yet confined unto certain families (which Election seemeth to have been the regall right, when the Kings reigned) the most learned of the Hebrews *Maimonides* hath observed.

But let us proceed with the Christians. Before *Constantine*, no man will wonder that no Christian Pastors were elected by the Emperours, when the Emperours either were enemies to the Church, or had it in contempt, and accounted it not worthy of their care. *Constantine* gave the force of a Law to the *Nicene* Canon, of Election to be made by Bishops, other Emperours after him did the like, either by renewing the Canon, or not abrogating of it. And, 'tis manifest, this manner of Election was long in use; the Empire being of greater extent, than that the Emperours diligence could provide for all the Churches. Notwithstanding this, it was lawfull for the Emperours, if they pleased, to Elect by themselves. For, seeing it is from the Highest Power, that the Canon hath the force of a Law, no marvell, if the Highest

22. Examples of the Roman Emperour; and of the Kings of France.

Highest Power, upon just causes, may recede from that Law, either in the whole, or in some particular case. For Lawes are wont either to be abrogated, or temper'd and limited by the Law-givers, as afore is shewed. Yea, there is no need of abrogation or solution of the Law, when as the Lawyers agree in this, that, by the generall words in the Law set down, the right of the Highest Power is never conceiv'd to be excluded. 'Tis true, the Examples of Elections made by Bishops prove, it is not necessary that Elections be made by the Highest Power; the Canons also shew, the same Elections are rightly made by Bishops, with consent of the Highest Power: but neither of these is in question. The Question is, whether it be also lawfull for the Highest Power to make Election. That it is lawfull, we have the judgement of the best, both among the Emperours and the Bishops.

In the first Synod of *Constantinople*, *Theodosius* commanded the names of all that were proposed should be given to him in papers, reserving to himself the choyce of one. What can be more clear? One among all the Bishops propos'd *Nectarius*: the Emperour makes choise of him, and persisteth in it, against the will of many Bishops;

Bishops; who, seeing the Emperour would not be remov'd, give place, and yeild him that reverence, which was due unto him, in a matter not prohibited by Law Divine. Who sees not, this was done beside the Canons? for according to the Canons, the Emperour had no share in the Election, but here the Emperour alone electeth, that is, designs the person. The Bishops, as also the Clergy and people, approve of the Election. But, 'tis one thing to *elect*, another to *approve* of the Election. The Bishops approve, because it was their Office, after Baptisme, to impose hands upon *Nectarius*, as yet a lay man and Catechumen. And here too, we observe, the Canon was not followed: for according to the Canons, a Catechumen, nor Neophite, could not be elected. The Clergy also, and the people doe approve: because to them belong'd the *Tryal*; which, how far it differs from Election is shew'd above.

Many examples we might alleage, of Elections not Canonically, but Imperially. Why the Emperours themselves elected, we deny not they had peculiar causes; but this pertains not to the question of right, but prudence. Certainly, the Emperours believ'd it to be lawfull for them, before

23. Ob-
jections
answer'd.

before they consider'd whether or no, it were expedient. For of things unlawfull, there ought to be no consultation. To say the cause hereof was some Divine revelation or inspiration, in such an age of the Church, is a meer refuge of pertinacious ignorance: to say, the Domination of the Roman Bishops, was the cause of Imperiall elections, when as yet that Episcopacy was not turn'd into temporall Dominion, is to be quite mistaken in the order of times. Nor yet can wee doubt, but the more Sanctimony abated in the Clergy, and Obedience was slackned in the people, the more just cause had the Highest Powers to vindicate Election to themselves. In the West, that Bishops were most often, and for a long time, elected by the most Christian Kings of *France*, without any suffrage of the people or Clergy, is written in all the French Histories, as it were with Sun-beams. What was said of the Domination of the Roman Bishops, as if he had given occasion to Kings to draw to themselves the Elections, besides that it is before answered, cannot be applyed to the Bishops of *France*, and to those times, when the French Kings did not yet possesse *Italy*. Yea, on the contrary, because the French
Kings

Kings used this right in their own kingdom, therefore also in *Italy* did *Charls* the great assume this to himself, that hee might not with lesse power governe *Italy*, than *France* and *Germany*. For, it is most truly observed by *Godalstus* and others, the Decree made in Pope *Adrians* time, pertains only to the Italian Bishops, when in other parts, the compleat right of Election was in *Charls* before. In vaine also, a recourse is had to the wealth of Bishop-pricks, & the Temporall Jurisdictions annexed to them; for even in the times of *Charls* the Great, and much more in the antient and purer times, Bishoppricks were but poor and slender, as is noted by that most searching Antiquary, *Onuphrius*. And for Jurisdictions, the Bishops, in *Charls* his time, had none annexed to their Bishoppricks: but this came into use at last, after the avulsion of *Germany* from *France*, when the *Ottoes* were Emperours in *Germany*. And, the Jurisdictions were so far from being the cause of Imperiall Elections, that, on the contrary, therefore were Jurisdictions granted unto Bishops, because the Emperours were most assured of their fidelity, being chosen by themselves, and thought the custody of Cities might therefore most safely bee committed to them: as the same *Onuphrius* hath observed.

24. Of Investitures,
by them is
meant the
Collation
of Bisho-
pricks.

observed. Some have been deceiv'd by the name of *Investiture*, Because the word is used of *Fees* especially, therefore have they thought all that is sayd of investitures of Bishops to belong to territories and Lands; which is a grosse error; for, *to vest* and *to invest*, are old words of German Originall, that signify the collation of any right whatsoever: and are therefore found in old Authors applyed to all Offices both Civill and Ecclesiasticall. It appears by a passage in the life of *Romanus* Bishop of *Romen* about the year 623. that *Investiture by the staffe* was almost 300. years before Territories were given to Bishops; which began under *Otto*, the first Emperour of that name. And truly, if *Investiture* had been with respect to Civill Jurisdiction, it would have been by the *Scepter, Sword or Banner*, as the manner of those times was, not by a *ring and staffe*. Wherefore, although the most Christian Kings did not challenge to themselves *imposition of hands*, which maketh Presbyters; yet these two things they esteemed as their right, to joyn this man unto this Church, which is signified by the Ring; and to conferre upon him Jurisdiction Ecclesiasticall, that is, judgement concerning Sacred affairs with a certaine publike power.

power, which is signified by the staffe. For to the King himself also, when he was first consecrated, together with the Scepter was wont to be given a staffe. *And by L. 5. C. 50. this, saith Aimonius, the defence of the Churches, that is, a power to maintaine Religion, was deliver'd to him from God;* for the Offices corresponded to the signs: as also a Canon was vested by a Book. Many ages after, when piety had begotten opulency, and the daughter laid a snare for the mother, the Emperours, almost detrudd from their most antient right, began to shew the indignity of the thing, by this argument among the rest, becaute the Bishops by their munificence possessed Lands and territories. But never did the Election of them depend upon this alone, being more antient than the same munificence. Moreover, the accessory cannot have so much force, as to draw the principall after it: and besides, in some places, at this time, stipends out of the publick succeed in place of Lands: and for all this the right of the Highest Powers remaineth the same it was. Therefore, by the name of *Investiture*, in the stories of those times, is not to be understood a naked sign; nor are Kings to be thought so unwise, that, for a bare rite or Ceremony,

ny, they would have undertaken so many labours, and so many wars: but, with the sign, or by the sign, the thing signified must be conceived, that is, the Collation of Churches. Which Collation, it is certaine, was made two wayes: for, either the Kings by themselves, made Election freely, and without the suffrages of any other; or else, they granted others the right of electing, the right of approving, not imaginary, but with a liberty to annull the Election, being reserved to themselves. Both of these, Historians comprehend in the name of *Investiture*. Which right remained in the Emperours untill the times of *Hildebrand*, who first laid violent hands upon it. *Onuphrius Panvinus* relating his life; *He first of all the Roman Bishops attempted to deprive the Emperour, not only of the election of the Pope himself, which also Adrian the third had sometimes done; but of all Authority too, whereby he Constituted the other Prelats, to wit, the Bishops and Abbats.* The Author here hath rightly explan'd *Investiture* by the name of *Constitution*.

Those two things, whereof we said *Investiture* consisteth, that is, the power of choosing, and the Liberty of refusing, if the Bishop were chosen by any other, all

writers

writers approved for their dilligence in this kind, have very well distinguished, and knit together in the Regall Right. Such a liberty of refusing I meane, which is not subject to the judgement of another. And indeed these Rights, both of election, and of rejection, are of great consequence, to maintaine both Church and State: but the former, of so much the greater moment, by how much it is more to oblige the receiver of a benefit, then to exclude an enemy. *Paulus Amilius*, when he had declared how that right was extorted from the Emperour *Henry*: *That thing saith he, much weakned the Imperiall Majestie, in the minds of his people; for he was devested of the better half of his Furisdiction.* And *Onuphrius* in the same manner: *Half his Power was at once taken from the Emperour.* The same Author elsewhere speaks of *Henry* the third: *This most excellent right (so he calls election) he retained with all his might.* Of the same mind were the Kings that built their power upon the ruines of the Roman Empire. To let passe others, let us heare, if you please, the King of England speak himself. *Henry, the first of that name since the Conquest, granted the Bishoprick of Winchester to William Gifford; and presently, against the statutes of*

25. Examples of the Kings of England.

a new Councill, invested him with the possessions pertaining to the Bishoprick. The same Henry gave the Archbishoprick of Canterbury to Ralf Bishop of London, and invested him by the ring and staffe. This is that same Henry, who in the relation of Westminster, by William his procurator constantly alleaged, that he would not, for the losse of his kingdome, loose the Investitures of Churches; and affirm'd the same in threatning words. Away with the unlearned Interpreters of History: who doth not see here that by Investitures is meant the collation of Bishopricks? The Parliament Statute also under Edward the third, gives plaine evidence for the same; wherein is manifest, that the Royall Right to collate Bishopricks was in England more antient, then the election of the Clergy. And Histories doe give their testimony too: which declare, how Bishopricks, were collated by *Etheldred*, and the most antient Kings, seven hundred yeers agoe. Afterward, elections were granted to the Clergy, under two conditions, which were observ'd likewise in *France*; that licence to elect were first obtained, and the election made were submitted to the Kings pleasure. But in the later time the whole election was rendred to the King.

In

In our time, there is an image of Election in the Chapters ; the whole force of it is in the King. For, the Bishoprick being void, the King, by his Letters, containing Licence to elect , transmitteth also the name of him, whom hee would have elected.

Bilson Bishop of *Winchester* discoursing with much diligence upon this Argument, in severall places affirms that which is most true ; *That no particular form of Electing is prescribed by Divine Law : and seeing Princes are Heads of the people ; and, both by Divine and Humane right, have the charge of all externall and publick administration , as well in Sacred as in Civill causes, committed to them : these reasons necessarily evince, that the Elections are also committed to their trust ; at least , if they bee pleased to undertake the burthen.* The same Author saith, *It is as clear as the Sun, that other Princes, beside the Roman Emperours, since the first profession of Christian faith, not only had the Highest Power in Electing Bishops ; but by their sole Authority Instituted whom they judged worthy of that honour, without expecting the suffrages of the Clergy or People.* I will not adde more examples or testimonies : either these are sufficient, or nothing is sufficient.

26. Pastors as well as Bishops may be Elect by the Highest Power.

Whosoever therefore, dares to condemn of Sacrilege, so many famous Kings, some whereof, first in their Kingdoms professed the Christian faith; some courageously resisted the Popes ambition; some either began or promoted the Churches reformation; and among them many renowned for their holiness and learning: whoeuer, I say, dare account them sacrilegious, as if in electing Bishops they had violated the Law Divine, he shall not have me for an approver of his temerarious judgement. Now, whereas some, in this business of Election, distinguish the other Pastors from the Bishops, because indeed themselves live where no Bishops are, this difference comes to nothing. For such Pastors, although they have this common with more Presbyters, that they are not over others; yet have they thus much of Bishops, that they are not under other Pastors; and so 'tis doubtfull, whether they may be rather numbred among more Presbyters, or Bishops. Moreover, seeing Presbyters is contained in Episcopacy, they that bestow the Bishoprick, do withall bestow the Pastoral cure of a certain place or City, & something more: so that, the Argumentation rightly proceeds, as from the greater to the lesse, or rather from the whole to the part. 'Tis true,

true, the antient Emperours & Kings mixed themselves but little with the collation of Pastorall offices of inferiour degree; the reason was, because they thought in reason, all that lesser care might be rightly committed to the Bishops, chosen either by themselves, or according to their Lawes. And therefore, in the most antient Canons, you shall hardly find any thing of the Presbyters election, because all that businets was at the Bishops dispose as we have shewed before.

Yet are not examples wanting, whereby it may appear, that Ecclesiasticall offices, of the lesser rank also, were collated by Kings. *Onuphrius* is witnessse for the Emperours. An Epistle of Pope *Pelagius*, Bishop of *Rome*, is extant, which signifies, that the Sacred Letters of the most gracious Emperour were come unto his hands, requiring certain men to be made Presbyter, Deacon, and Subdeacon at *Centum-cells*. The publick Records of our own Country doe abundantly witnessse, the Princes of *Holland*, *Zeland*, and *West-risia*, even from the beginning of their Principality, have conferred, at their pleasure, upon fit men, the Pastorall Cure of every City and Village, except in what places it could be proved, that the same right was granted away to others: and that Custom

27. Examples here-of.

was kept untill the times of the last War. These examples, although they be not ancient, are yet sufficient to refell those, who have adventured publickly to affirm, Pastors, untill the very last times of the War, were chosen by the People. Here might be added, were it needfull, very many Records of Investitures, whereby the Princes bestow upon Noble men, their Vassals, among other rights, also the Collation of Churches. And I, for my part, cannot understand, how it comes to passe, that the same right doth not still endure to this day: whether it be expedient, or where, and how farre it is expedient, is another question. The States, in my opinion, by their pains taken in the Reformation, have not deserved to be in worse condition, then before they were. In the *Palatinate*, the Pastorall Cures are conferred by the Decree of a Senate, which by the command, and in the name of the Elector, hath government of the Churches. In the Dominion of *Basil*, the Churches without the City have no power at all in choosing their Pastor; whom the Magistrate of the City sends to feed them, him they receive with reverence, although they never heard him teach. In the beginning of the Reformation, they were content with this Call alone.

lone. It is the Saying of *Musculus*: *A* Loc. Com. de Elect.
Christian Pastor ought not to be solicitous
about his Call, nor to doubt that it is Christi-
an and lawfull, where he is called to preach
the Gospell, by the pious Magistrate or
Prince. Wherefore the Doctrine of the
 Reformed Churches doth not deprive the
 Powers of this Divine Right. Neither
 have the States themselves ever been of a-
 nother judgement; for, when in the year
 1586. without the assent of the States, a
 Synod was held, the Earle of *Lester*, Go-
 vernour of these parts, to move the States
 to allow of the Synod, declared *Nov. 16.*
 That such allowance should be a detriment
 to no man, in respect of that right he chal-
 lenged in the Institution of Pastors. And
 in the same year, *Decemb. 9.* the Acts of
 that Synod were admitted by the States,
 with some exceptions, whereof this is one:
That the States, Noblemen, and City-Ma-
gistrates, and others, should retain the right
and custome of Instituting, and destituting
Pastors, and School-masters.

Let us now give answer to the rest of the
 Objections, used to be brought against the
 Highest Powers in this regard. Some say, 28. The
 that certain Kings and Princes have abused Objecti-
 the Elections, either through a sordid love on from
 of gain, or through too much favour. the abuse It of Right,
 is answered,

is too true ; but to the determination of the question, 'tis impertinent ; for, the abuse of right depriveth no man of his right ; unlesse perhaps a subject, by the sentence of his Superiour ; much lesse, is a possible abuse sufficient to the losse of right. Then, no man shall bee certain of any right whatsoever. But to speak the truth, there is a greater number of laudable Elections, which Kings have made. And, on the contrary, by popular Elections, the matter often was brought unto Seditions and slaughters, to Sword and fire ; nor is the Clergy alwayes free from favour and faction, no not at this day. So that, if for fear of incommodities Elections may be overthrown, no kind thereof will be able to subsist. When *Genebrard*, an enemy to the Regall right, had said, the Bishops of *Rome* chosen by the Emperours were monsters of men, the contrary was shewed by our side, that they were good men, at least in some mediocrity ; but from the Election of the Clergy and People came forth Monsters indeed. Moreover, the Greatness of the Highest Powers yields not to corruption so easily, as private men, nor is so obnoxious to unjust desires and importunity of Suiters, Lastly, Ordination, which remains with the Pastors, and the
right

right of contradicting, which is left unto the people, shuts up the way, if not to all, which exceeds Humane Power, yet to the worst abuses.

The Canons are objected too, and some Sayings of the Fathers. That old Canon, which is the 30. in their number entitled Apostolicall, speaks of Magistrates, not of Emperours; and as the Canon next before is oppos'd to nundinations, so this to violent intrusions. The Canon pertains to them, that being not lawfully examin'd and ordain'd invade the Church by force, by the Magistrates help and favour. So, the *Parisian* Synod disapproves not Election, but Ordination by the King; nor all the Kings Authority, but that which is against the will of the Metropolitan and Comprovinciall Bishops, to whom the ordination did belong. For King *Charibert* himself, under whom this Synod was holden, elects *Pascentius* to the Bishoprick of *Poitiers*, whom the Comprovincials receiv'd, as rightly chosen, And if the Canon bear another sense, yet is it nothing to the purpose. For, if it was made by the Kings consent, it might be rescinded, either by himself, or by other Kings also, especially with the sentence of their Peers: because no positive Lawes are immutable; but,

29. The
Canons
and Fa-
thers an-
swered.

but, if without the Kings consent, then neither had that Canon the force of a Law, nor could the Regall right be impair'd thereby. This is certain, since the Kings began to Elect Bishops, many Synods have been held in *France*, and not any one of them hath reprehended the Kings in that respect, but many have admonished the King, to use that study and care in choosing Pastors, which was meet. Whence it is evident, the *Gallican* Bishops never found any thing in that Election, contrary to the Lawes Divine. 'Tis very improper for our men, to produce the Authority of the *Nicene* second Synod, whereby the worshipping of Images was introduced. And yet, the meaning of the Canons alleged thence, is no other, then of those we have already answer'd. That sharp speech of *Athanasius* against *Constantius* is alleged also; Who having received most grievous injuries, if he had uttered any thing, not so generally true, as accommodated to those times, what marvell is it? seeing other Fathers too, have let fall many words, which will not bear a rigid Examination. Yet doth not *Athanasius*, how hot soever in this cause, pretend any right Divine, but enquires, *Where is that Canon, that a Bishop should be sent out of the Palace?* He shews, what

what *Constantius* had done, was not Canon-
nicall; and rightly; for another way of
Electing was then in use, and that confir-
med by the Authority of the *Nicene Sy-*
nod, and by the Precepts of *Constantine*.
Now, although for just causes, it be gran-
ted unto Kings, to recede from the Canon;
yet to forsake the Canon, with intention
of promoting to Episcopacy the favou-
rers of the Arrian party, was not the part
of a pious Emperour. This way of elect-
ing is the more justly reprehended, if Or-
dination also being omitted, Bishops were
obtruded upon the Churches: which is ve-
ry credible to have been done; for it was
not probable, the Orthodox would ordain
Arians, or such as used Collusion with
them. Verily, not any one of the Fathers
hath hitherto been found, who said, there
was any Divine Law to hinder the King
from choosing the Pastor. It appears, the
most holy Bishops above mentioned, who
condiscended to the Election made by
Theodosius were of another mind. And
thus much be spoken of the Highest Pow-
ers embracing the true Religion.

As to the Kings, that give no assent to
the saving Faith, pious Assemblies never
made addresse, unto them, for election of
their Pastors. For how could they expect
defence

30. Thou-
ching the
Right of
Pagan
Kings.

1 Cor. 6. 1.

defence of the Church from the enemies of the Church. And, suppose the matter should succeed most happily, yet would it be an indecorum, that the Affaires of the Church should be *judged before the unjust, and not before the Saints*. Yea, if Kings that are aliens from the Faith, arrogate to themselves any such thing, without question they bring upon themselves the greater Judgement. Notwithstanding, if Infidel Kings will not at all admit any Pastor or Bishop, except *Elected* by themselves, and in the mean time leave to the Church the *Probation*, and to other Pastors the *Imposition of hands*, I cannot think it convenient for Christians, to refuse men, otherwise fit, for this only reason, because they are commended by Infidels. For the good God doth effect his good work, even by evill men. I am not a man of that confidence, that I dare condemn so many Christian Churches in *Thrace*, in *Syria*, in *Egypt*, which doe receive Patriarchs or lesser Bishops from the King of the Turks; and that this patience of the Christians is no new thing, is shewed by *Barlaamus Cyrenensis*. Clearly, 'tis better to entertain a worthy Pastor, adorned with good report of the common People, ordained by other Pastors, from the hand of a Prince, though

an unbeliever, then to suffer the waſt of Churches. *Eſdras*, we are ſure, did not decline the office of reſtoring Gods worſhip, impoſed on him by the Pagan King *Artaxerxes*.

But, that we may return unto our own, that is, unto Chriſtian Powers (for that was aſperſed on the by, to give others occaſion of better thoughts upon this buſineſſe) we muſt advertiſe the Reader, that in all this Treatiſe, we enquire what is lawfull, not what is at every time expedient. For, whether we reflect upon antient or later times, we ſhall ſee great variety in the manner of election : nor only through ages and Provinces, but through years and particular Cities. So much uncertainty there is in that, which the Law Divine hath left uncertain. And truly, where the queſtion is not of the right, but of the beſt manner of Election, 'tis marvellous how many things may probably be diſcourſed on every part. Give me *Cyprian*, and thoſe of his time, there will be no fear of popular election. Give me the *Nicene* Fathers, I would gladly aſcribe the election unto Biſhops. Give me ſuch Emperours as *Theodoſius*, *Valentinian*, and *Charles the Great*, there will be no danger in the election Regall or Imperiall. But we are fallen

31. The
beſt man-
ner of E-
lection.

len into the lees of the Church, and after we have with circumspection viewed all things, we find nothing, but some incommodity is annexed to it. Therefore nothing at all can be here prescribed, as perpetuall;

Arist. Eth.
5.14.

32. The
Right of
rescind-
ing Ele-
ctions re-
served still
to the H.
Power.

That which is indefinite, must have an indefinite Rule. Yet if I were in this respect to give my advise, the manner of *Fustini-an's* times is not displeasing to me, with this caution, that a Pastor be not obtruded upon the people against their will, and also saving the right of the Highest Powers to rescind and make void Elections, if any error be committed, pernicious to the Church or Common-wealth. Which right, not only the French Kings, but also the antient Roman Emperours very frequently have used, as is most easie to be proved.

They do much erre, who confound this will and pleasure of the H. Powers, whereby the Election made is approv'd, or disapprov'd with that consent, wherewith the Magistrate of every City, according to the Lawes or Canons, concur to the Election, in the next place to the Clergy, and sometimes with the People. For, here is a wide difference. The pleasure of the Highest Powers is over the Election; the Magistrates consent is a part of the election.

That

That agrees to the Highest Powers, as such; this to the Magistrates, by Positive Law; nor properly as Magistrates, but as an honoured part of the City. Therefore the Election by the Magistrates staves within the bounds of their City; but Emperours and Kings exercise their right, not only in Cities which they dwell in, and whose Churches they frequent; but, if they see it needfull, through all places of their Dominions. Again, the Magistrates may be overcome with suffrages, the Highest Power cannot. Certainly, although the election be permitted to others, that right of free approbation cannot safely be abdicated by Him that rules in Chiefe. Also, after Election made, the right of removing a certain person from the Ministry of a certain place, although it may be in others too, ought alwayes to remain in the Highest Power. So *Solomon* ejected *Abiathar* from being the Priest of God. So the Bishops of *Rome* were more then once deposed by the Imperial Power, as *Bellarmino* himself confesseth. The proof whereof is easie. For if the Highest Power hath right to interdict any one the City or Province, hee must needs have a right also to interdict him, the Ministry of this City or Province. For this is included in that: and, in whose

33. And of exau-
torating Pa-
stors, if
need be.

whose Power the whole is, in his power the part cannot choose but be. Nor only may the Highest Power doe this by way of punishment, but by way of caution too: to wit, if any Pastor be drawn by the People into matter of tumult, which perhaps may come to passe without his fault. For, unlesse the Highest Power could doe this, the Common-wealth were not sufficient to secure it selfe.

34. Although
chosen by
others.

The last errour is of those, that think it belongs unto the same Person, to elect and to remove. For the Highest Power may interdict, not only publick acts, but private, too, to which it electeth not the Persons; namely, in negotiation, and conduction: as above is said, when we spake of Jurisdiction, and is manifested by Examples. For, eight or more Roman Bishops, it is certain, have been dispos'd by Emperours, sometimes with a Synod, sometimes without, whereof a good part were elected by the Clergy and people of *Rome*.

CHAP. XI.

*Concerning Offices in the Church, not
alwayes necessary.*

IT is of much concernment for the keeping of peace in the Churches, to distinguish accurately, between the things commanded by Divine Law, and the things not commanded. For, although the right or manner of regiment somewhat differs, thence wil follow no divulsion of the Churches, as long as neither part ascribes to their own way, the authority of Divine precept. And this is the principall cause, why we have taken so much pains to shew, That manner of Election, which Kings and some pious Princes do at this time use, is not by Divine Law forbidden. Not, that we propose their examples to be imitated by others : for, other kinds of Election may be either by themselves, more profitable, or at least to the disposition of the people, and state of some Churches more fit ; or else, if for no other cause, for the antient custome sake, to be preferr'd : but, that we may not, by a temerarious censure, alienate from us the Kings, and the Churches too, by whom that manner is observ'd. What we have done concern-

I. Things necessary to be distinguished from not necessary.

R ing

ing Election, the same we must doe about the offices Ecclesiasticall, which some of the late Reformed Churches use, and some use not; That is, Wee must declare, nothing is either way defin'd concerning them, by Precept of Divine Law; whereby, it will easily appear, The diversity of government ought not to be any obstruction to ~~for~~ ^{for} small unity. Fully to understand the right of the Highest Powers, this Discourse is very necessary; for, in things determined by Divine Precept, a necessity of execution lyes upon the Highest Power; in other things there is left some liberty of choise. And, as we have said afore, The Ecclesiasticall Government for the most part is conformable to the Politicall, which was also observed by the King of Great Britain, a Prince of excellent wisdom.

2. Of Bishops and Lay-El-
ders.

Now, the principall Controversie amongst the Protestants, is about the Episcopall eminence, and about their office, who being not Pastors, that is, neither preach, nor administer the Sacraments, yet are Assessors, or assistants unto Pastors, and by some are stiled Presbyters, or Elders. Let us consider of both, so farre as our designe permits; for, these questions are so largely handled by others, that scarce any thing remains to be added.

Espe-

Especially, the most learned *Beza*, having undertaken the defence of the *Genevian Discipline*, hath, according to the fertility and vigour of his wit, copiously expressed, what might be said both for those Assessors, and against the Bishops: And, on the other side, they that extoll the *Anglican Church*, *Saravia* and the Bishop of *Winchester* have disputed very smartly, as well for the Bishops, as against those Assessors. So that, whoever would have perfect intelligence of these matters, are to be remitted to their Books. For our parts, Our endeavour being to lessen, not to widen, the difference, we will contract into a few determinations, all that is either confessed on both sides, or may be so clearly prov'd that it cannot be gainesaid by any, but the contumacious.

In the first place for Bishops; we take leave to use the word in that signification, wherein the Synods Universall and Topical, and all the Fathers have alwaies us'd it. In the Apostolicall times, it is certaine, though the Functions were distinct, the names were not. For, the Function of the Apostles is call'd *Presbytery*, and *Episcopacy*, and *Diaconacy*; nor is any thing more usuall, than for the genericall name, by some particular right, to ad-

3. The word Bishop explained, Here taken for the Overseer of Pastors.

here to one of the species; as in *adoption*, *cognition*, and other words of the Law appears. And so, the name of *Bishop*, when in the nature of the word it signifies any *Inspector*, *Overseer*, and *Præpositus*, or (as *Ferom* translates it) *supra-as-ident* (for the *Septuagint* also have rendred the Hebrew word, which is given to *Magistrates*, by the name of *Bishop*; and among the *Athenians* the *forreigne Prætor*; among the *Romans* the *municipall Aediles* were called by this name; and *Cicero* saith, Himself was made *Bishop* of the *Campanian coast*;) this name by the *Apostles*, and *Apostolicall men*, according to the use of the *Hellenists*, was given to any *Pastors* of the *Church*. Nevertheless, by a certaine proper and peculiar right, it might be assignd to them, who, as with the rest they were *Overseers* of all the *Flock*, so above the rest were constituted *Inspectors* of the *Pastors* also. Wherefore they abuse their own time and other mens, who having undertaken to discusse the question, take much pains to prove the name of *Bishop* common to all the *Pastors*: when as the word is of a larger signification much. They also doe but beat the aire, who with great endeavour prove, that unto all *Pastors*, whatsoever
certain

certain things were common, namely, the right to Preach, to exhibite the Sacraments, and the like. For, the question is not of these things wherein they do agree, but of that eminence whereby they are distinguished. And, that is yet somewhat more absurd, that some, to prove Bishops differ nothing from meere Presbyters, bring in the Fathers for their witnesses, *That Bishops are all of equall merit*: as if you did say, *That all the Roman Senators were equall to the Consuls*, because the dignity of both the Consuls was equall. But he is angry with himself, or with his Reader, who refutes such things.

Concerning Episcopacy then, that is, the eminence of one Pastor among the rest, this is our first Assertion, *That it is repugnant to no Law Divine*. If any one be of a contrary opinion, that is, if any one condemne all the antient Church of folly, or even of impiety; without question, it lyes upon him to prove it: and for prooffe I see nothing alleg'd but this: *Whosoever will be great among you, let him be your Minister: and whosoever of you will be chief, shall be the servant of all*. But certainly, all eminence or Primacy of Pastors among Pastors is not here interdicted: but all Pastors are admonisht, that they

4 Bishops
not a-
gainst
Gods
word.

Mt. 20.
26.
Mar. 10.
44.

may know, that a Ministry is enjoyn'd them, not an Empire given. For the precedent words are, *They that rule over the Gentiles exercise Lordship over them; and their Great ones exercise Authority upon them; But so shall it not bee among you.* From this place we may much rather argue for Eniunence and Primacy, than against it. For that which is in *Matthew and Marke, Whosoever will be great, and the*
Lu. 22. 26. chief, is in Luke, He that is greatest among you: He that is the President, or leader. Moreover, Christ exhorts them by his own example: *The son of man came not to bee ministred unto, but to minister.* Wherefore, the precept of Ministring doth not hinder, but one may be greater than they to whom he Ministreth. *Ye call me, saith Christ, Lord and Master: and ye*
Jo. 13. 13, 14. say well; for so I am. Therefore if I your Lord and Master have washed your feet, ye ought also to wash one anothers feet. And how could Christ disapprove the disparitie of Ecclesiasticall Offices, when himself had appointed LXX. Evangelists, of
Ad Fabiol. a second order and lesser degree, as Jerom speaketh: in dignity inferiour to the Apostles, as Calvin saith. Much more clearly, triumphing now in Heaven, He hath given some Apostles, and some Prophets,
some

some Evangelists, some Pastors and Doctors: not only distinct in Functions, but by certaine degrees also. For God hath given in the Church, first Apostles, in the second place Prophets, in the third Doctors.

The very Deaconry, by the Apostles instituted, is sufficient to prove, that Christ had not commanded an equality of Church-men. Therefore, we set down this first, as a thing of undoubted verity; Wherein we have *Zanchius, Chemnitius, Hemingius, Calvin, Melanchthon, Bucer*, all consenting with us; yea, and *Beza* too, so far as to say, *That some one chosen by the judgement of the other Presbyters, should be and remaine President of the Presbytery, cannot, nor ought not to be reprehended.*

Secondly, we determine, *That the Episcopacy we speak of, hath been received by the Universall Church.* This appears out of the Universall Councils; whose Authority, even now, among pious men is very Sacred. It appears also, by comparing Synods either Nationall or Provinciall; whereof there is hardly one to be found, but it carries in the forehead manifest signs of Episcopall eminence. All the Fathers, none excepted, testify the same. Among whom, the least friend to Episcopacy is *Jerom*, being himself

*s. Bishops
alwaies in
the Catholick
Church.*

not a Bishop, but a Presbyter. His testimony therefore alone sufficeth: *It was decreed all the world over, that one chosen from among the Presbyters should bee set over the rest, to whom all the care of the Church should pertaine.* Yea, so universall was this Custome, that it was observed even among the Hereticks, which went out of the Catholick Church; *All these things, saith the Author of the Homilies upon Matthew, which are proper to Christ in verity, have Hereticks also in their Schism, Churches, Scriptures, Bishops, and other orders of the Clergy, Baptisme, Eucharist, and all things else.* Certainly, this error of Aerius was condemned of all the Church, that he said, *A Presbyter ought to be discerned from a Bishop by no difference.* Ferom himself, to him who had written, *There is no difference between a Bishop and a Presbyter,* answers, *'Tis spoken as ignorantly, as one would wish: you have, as the Proverbe is, made shipwrack in the Haven.* Lastly, Zanchius also acknowledgeth the consent of the whole Church in this point.

6. Bishops
in the
time of
the Apo-
stles.

Our third determination is, *That Episcopacy had its beginning in the Apostolicall times.* Witnesse the Catalogues of Bishops in Irenaeus, Eusebius, Socrates, Theodoret, and

and others; all which begin from the Apostles age; now to derogate faith, in an Historicall matter, from so great Authors, and so consenting together; it cannot but be the marke of an irreverent and pertinacious mind. It is all one, as if you should deny the truth of that, which all the Roman Histories deliver, That the Consulship began from the expulsion of the *Tarquins*. But let us againe heare *Jerom*: At Alexandria, saith he, from Mark the Evangelist, the Presbyters alwaies elected one from among themselves, placed him in a higher degree, and call'd him Bishop. Marke deceased in the .8. of Nera: to whom, (*John* the Apostle being yet alive,) succeeded *Anianus*, to *Anianus Atilius*, to *Abilius Cerdo*. The same Apostle surviving after the death of *James*, *Simeon* had the Bishoprick of *Jerusalem*; after the death of *Peter* and *Paul*, *Linus*, *Anacletus*, *Clemens* held that of *Rome*; *Evaristus* and *Ignatius*, that of *Antioch*. Surely, this Antiquity is not to bee contemn'd: whereunto *Ignatius* himself, the coetanean of the Apostles, and his next followers *Iustin Martyr* and *Irenaeus* yield most apparent testimonies, which need not bee transcribed. We will end this with *Cyprian*: Now, saith he, through all Provinces

vinces, and through every City are appointed Bishops.

7. Bishops
allowed
by the
word of
God.

Our fourth is this ; *This Episcopacy is approv'd by Divine Law* : or, as *Bucer* speaks, it seemed good unto the Holy Ghost, that One among the Presbyters should be charged with a singular care. The *Divine Apocalyps* affords an irrefragable argument to this assertion ; for Christ himself commands to write unto the *seven Angels of the Asian Churches*. Who by *Angels* Understand the Churches themselves, they manifestly contradict the Holy Scriptures. *For the Candlesticks are the Churches*, saith Christ, *and the stars are the Angels of the seven Churches*. 'Tis a wonder, how farre men are transported by the spirit of Contradiction, when they dare confound things, so openly distinguish'd by the Holy Spirit. We deny not, but every Pastor, in a generall signification, may be capable of this title of *Angel* ; but, here 'tis manifestly written to One in every Church. Was there but one Pastor in every City ? No sure ; for even from the time of *Paul*, at *Ephesus* were many Presbyters ordained to feed the Church of God. Why then is the Letter sent to One in every Church, if no One had a peculiar and eminent Function ? *Under the name of Angel*, saith *Austin*,

Act. 20.
17, 18.

is commended the Governour of the Church. The Angels are the Presidents of the Church, saith *Jerom*. If any had rather hear the modern Writers, let *Bullinger* speak; *The heavenly Epistle is destin'd to the Angell of the Church of Smyrna, that is, the Pastor*. Now *Histories* doe witness, that Angel or Pastor of the Church of Smyrna *Polycarpus*, was ordained Bishop of the Apostles, namely by *St. John*, and lived in the Ministry of this Church 86. years. What *Bullinger* relates of *Polycarpus* is confirmed by *Irenæus*, *Tertullian*, and other Antients, who say, *We have the Churches nourished by John: for though Marcion reject his Apocalyps, yet the Order of Bishops recounted to its Originall, will stand upon John the Author*. Let *Marlorat* also speak; *John began with the Church of Ephesus, for the celebrity of the place; nor doth he addresse himself unto the people, but the Prince of the Clergy, that is, the Bishop*. Haply, *Beza's* Authority, or *Rainolds* will be more accepted; See therefore, what favour the Truth found with them. *Beza*, *To the Angel, that is, to the President, who was in the first place to be admonisht of these things, and by Him his other Colleagues and all the Church*. *Rainold*; In Collog. cum Harto, c. 8. S. 3.
many

many Presbyters and Pastors for the administration thereof, yet One was over those many; whom our Saviour calls the Angel of the Church, and writes the things to him, which others from him might learn. Certainly, if it be well said by *Dio Pruseus*, that Kings are the *Genii* of their Kingdomes; and in Holy Scripture, Kings are stiled by the name of Angels, who sees not, that this name is also, by an excellent right, agreeable to the Prince of Presbyters. Christ therefore, writing to those Bishops, as men Eminent in the Cergy, without all question hath approved this eminence of Episcopacy.

3. A place
of *Ambrose* exam-
in'd.

To let passe the Annotations after the second Epistle to *Timothy*, and that to *Titus*, which are found in the most antient Greek Copies: Concerning *Timothy*, hear the writer, supposed *Ambrose*, whose words are these: *Timothy created Presbyter by himself, the Apostle called Bishop, because the prime Presbyters were so entitled; of whom One receding, the next succeeded; but, because the following Presbyters began to be found unworthy to hold the Primacy, that method was alter'd by a Councill, providing, that merit not seniority should Create a Bishop; ordained by the judgement of many Priests; to the end, an unworthy person might*

might not unadvisedly usurp the place, and so become a scandall to many. Hee saith, the primacy of *Timothy* among the Presbyters is acknowledged by the Apostle. Whereas some learned men would hence set up a certain circular præsidency, herein they are opposed by all the antient Monuments, that are extant: nor doe the words of *Ambrose* help them; for, *receding* is all one with *dying*, or *departing*. And, whereas the *Courses of the Priests* are brought L. I. 8. hither to establish this Interpretation, any one may see with half an eye, how impertinent it is, when those *Courses* make nothing toward *presidency*, which was alwaies in the High-Priest, and other Chief of their Classes. But the alleged Writer his meaning is, that Seniority in age, or rather in Function was valued in the making of Bishops. Wherein, although none of the Antients be on his side, yet, if wee understand him of certain Churches, what hee saith is not incredible; For, also the Archimandrits, or chiefe of Hermitages, Justin. Nov. 123. at the Commencement of Monachism, were elected according to that Order. To believe him of all Churches, *Jeroms* testimony of the *Alexandrian* Custom will not permit. The same Writer, concerning *Timothy*; Timothy now Created Bishop, 9. Timothy and Titus were Bishops.

he institutes by epistle, how he ought to govern the Church. Concerning *Titus*: *Titus*, the Apostle Consecrated an Apostle, and so admonisheth him to be solicitous for the well ordering of the Church. No other are the judgements concerning *Titus*, & *Timothy*, of *Epiphanius*, *Eusebius*, *Chrysostom*, *Oecumenius*, *Theodoret*, *Theophilact*, *Primasius*, as by producing their words hath been demonstrated by others. Yea, the *Oecumenicall Synod of Chalcedon* saith;

Actione II After *S. Timothy*, untill now, have been made xxvii. Bishops, all ordained in *Ephesus*.

For, Antiquity did not believe, what of late some with confidence affirm, that they who were Evangelists could not be created Bishops. As long as they walked about the Provinces, they did the office of Evangelists; but when beholding in one place a plentiful harvest, they thought fit to cherish it with their longer Presence, doubtlesse, being presidents to the Presbytery, they performed all offices Episcopall. Upon which reason, Antiquity believed, that the Apostles also were truly Bishops of certain Cities, namely, in those places where they made longer stay, or to speak more properly, where they sate; by which word, *Luke* hath very emphatically expressed, *Paul's* abode with the *Corinthians*.

Act. 18. 11

Besides

Besides, *Timothy* and *Titus*, we read of others, advanced by the Apostles, into the Episcopall throne. Concerning *Evodius*, thus to the Antiochians writes *Ignatius*; *He first, by the Apostles hands, was promoted to our presidency.* What presidency that is, is not left doubtfull by *Ignatius*, who every where distinguisheth the Bishop from the Presbyters, and prefers him above them. *You must doe nothing without the Bishop, but be subject to his Presbytery.* And in another place; *The reverend Presbytery, being dear to God, is so fitted to the Bishop, as the strings to the Harp.* And again in another place; *What is the Bishop, but the Prince; and the Presbyters, but his Counsellours?* This is that *Ignatius*, who saw Christ in the flesh; who lived with the Apostles; who, next after *Evodius*, was Bishop in the Church of *Antioch*.

A question may be made, when as their office, who were over the Presbyters by a certain perpetuall dignity, is so antient, and approv'd by Christ himself; by what name was that Honour entitl'd, before the common name of Bishops began peculiarly to be ascrib'd unto this Presidence: which, as *Ferom* thinks, began about the viii. year of *Nero*. The antient Fathers are of opinion, that those Princes of the Presbyters

10. Bishops stilled Angels, Apostles, Presidents.

byters were still'd Apostles. And truly, there remain in *Cyprian* and other Authors, not a few obscure prints of this locution; Yea, *Paul* himself, when he saith, Hee was nothing lesse than the *chiefe of the Apostles*, seems to intimate, there were some other *Apostles of lesser mark*. That the name of *Angel* was antiently given to him, who afterward began to be called Bishop, the *Apocalyps* evinceth. For, it appears the word was taken, as of common use, because those Letters are popularly written, and the Mystery of the Starrs is explained by the appellation of Angels, as being very obvious; but, the most simple and plain denomination, seems to have been that of President; for, by this name, *Justin Martyr* calls the Bishop, in his second Apology.

II. Patterns of Bishops in the natural Law, in the Mosaical; but most probably in the Rulers of Synagogues.

Another question may be, By what example Episcopall Eminence was brought into the Churches. It is certain, there were degrees of Priests among the Heathens; that the Custom was not new to the Grecians, and such as sprang from Greece, we learn by the most antient discipline of the *Druids*. One, saith *Cesar*, is President to the *Druids*, who hath amongst them the chief Authority. And how antient the Eminence of Mother Cities, in matters of Religion

Religion, is, we learn out of *Thucydides*, where he speaks of the *Corcyreans*, a Colony of the *Corinthians*; upon which passage, the old Scholiast notes, *It was the Custome to receive High Priests from the Metropolis.* *Strabo* names one Priest of the *Catti*, who was, we make no doubt, the highest; and among the *Burgundians* the greatest Priest is mention'd by *Marcellinus*. This custome, God himself approved by the legall Constitution of the Judaical Republick; when hee set up One, with highest Authority, over all the Priests. Who, although in some acts hee was a Type of Christ, yet the whole Institution of this Pontificate, is not to be referr'd to this end alone. This eminence of one Priest, served for Order also, as well as the Regall Power, which did also, in its way, adumbrate Christ. Although then, this example might suffice; yet to me, the Constitution of the Christian Church, seemeth not so much expressed, according to the pattern of the Temple at *Ferusalem*, as of the Synagogues. For the Synagogues were, in many places, without any Commanding Power; as neither the Church of Christ hath any by it self. Adde hereunto, that wheresoever the Apostles came, they found Synagogues well enough order-

S

red,

red, even from the times if the Babylonian dispersion: which, if they would receive the Faith of Christ, (as to them the Gospel was Preached before others) there was no cause, why they should depart from that Government, that the experience of many ages did commend; nor was it any burden to the Gentiles, in such a matter, to accommodate themselves to the Jewish institutions. Now in every Synagogue, it is certaine, there was one, who by the Greekish Jews was call'd the *Ruler of the Synagogue*: which name occurs frequently, both in the Gospell and the *Acts*; and every where the Prince of the Synagogue is designed by it. Only, one place is excepted; where, the word being taken in a larger sense, in one Synagogue are named more Rulers, that is, both he, who (as the Hebrew Masters teach us) was the *Prince*, who answers to our Bishop; and then the Pastors, which Office and name remains in the Christian Church; and the Eleemosynaries, which are like unto our Deacons. Wherefore in that one place the Pastors joynd to the chiefe of the Synagogue are call'd *the Rulers*. So, in the new Testament often, the High Priest, with those next unto him, are called *the chief Priests*, and in

Jeremy

Lu. 8. 41.

Acts 13.
15.

Jeremy, the antients of the Priests . These Jerem. 19.
Rulers of the Synagogues had others over ^{I.}
 them, which were called *Primates* ; in ei- L. ult. cod.
 ther Palestine one, and others in other Pro- Thcod. de
 vinces. And thus much be spoken by the Jud.
 way, to illustrate the originall of Bishops.

Our fifth Assertion is, Episcopacy hath
 been the spring-head, whence many com- 12. Bishops of
 modities have flowed into the Church. great use
 The History of all times proclaims it: but to the
 I will againe use him for my witnesse, Church.
 who in all Antiquity was the least friend
 of Bishops, that is, *Jerom*: *In the whole*
world, saith he, it was decreed, that for the
taking away of Schisms and divisions, one
being elected from among the Presby-
ters, should be set above the rest . In
another place. The Churches safety con-
sisteth in the dignity of the chieffest Priest,
that is, the Bishop: to whom if there be not
given a Superiour power over all the rest,
there will be made so many Schisms in the
Church, as there be Priests. Nor is it any
thing else, which Cyprian doth so fre-
quently inculcate: Whence have Schisms
and Heresies arisen, and doe still arise in
the Church, but while the Bishop which is
one, and the Governour of the Church, by the
proud presumption of some men is contem-
ned. And elsewhere: Heresies have no o-

ther Rise, and Schisms no other beginning, but hence, that obedience is not given to Gods Priest; nor is one Priest and Judge for the time, in the steed of Christ elected. Not only single Assemblies, by the presidence of one, were guarded against Schisms, but as the same Cyprian saith, *The Universall Church was coupled together by the chaine of Priests, linked to one another and united.* For, the whole Christian world was preserv'd in concord, by commerce of those Letters, which were call'd *formata*. And so much for Episcopall eminence.

13. Bishops are not by Divine command.

To proceed: On behalf of the equality of Pastors, we have these things to say, not repugnant to those afore. First, *The Episcopall eminence is not of Divine precept.* This is prov'd enough, because the contrary is not prov'd. For Christ is nowhere read to have commanded it. Indeed, he approv'd it in the Apocalyps: but it follows not, Because he did approve it, Therefore he did command it. Episcopacy is of Apostolicall institution, because it appears, in some Churches Bishops were ordained or approved by the Apostles: but the Apostles never commanded, that such Bishops should be in every Church. By which distinction, we separate *Feroms* case from the case of *Aerius*.

Ferom

Jerom saith, *The Bishops became greater than the Presbyters, by custome rather than by the Lords dispose: As also Austin, Episcopacy is greater than Presbytery, according to the titles of honour, which the Church hath used.* When the Fathers speak of Custome, they exclude not Apostolicall institution; yea, as *Austin* saith, *What is* ^{*Epist. 19.*} *observ'd in the Universall Church, nor is instituted by Councils, but hath bin alwaies kept, is most rightly believ'd, to have been deliver'd by no lesse Authority than Apostolicall.* But, as we have elsewhere said, it is not presently of Divine precept, whatsoever is instituted by the Apostles; for many things are instituted, with reservation of a Liberty to make a change. That the people should with a clear voice say *Amen* at the end of prayers, That the Preacher should be uncover'd, was a Constitution in the Apostolicall Church: Which in many places now, we see, is not observed. Moreover, the Apostles so appointed Bishops, that they left certaine Churches without Bishops: as *Epiphanius* acknowledges, *There was need of Presbyters and Deacons; for by these two the Ecclesiasticall Offices may be compleat; but where none was found worthy of the Episcopacy, the place remain'd without a Bishop;*

shop; but, where was need; and they were worthy of the *Episcopacy*, Bishops were ordained. Those Churches therefore, as *Ferom* speaks, were govern'd by the common Counsell of the *Presbyters*.

14. Not
alwaies
one Bi-
shop in e-
very City.

Acts 6.9.
18.8.17.

This we shall adde in the second place, *It was not universally observ'd that one Bishop should be over every City.* Of the Apostles time, we suppose it is already prov'd. And afterward, more Bishops than one were in the same City, in imitation of the Jews, who had as many chief Rulers as they had Synagogues; but in one City often times were many Synagogues, or (as *Philo* calls them) *Proseucha*, places of prayer. So, at *Ferusalem*, was one Synagogue of *Libertines*, another of the *Cyrenians*, a third of the *Alexandrians*. And at *Corinth*, about the same time, were named two chief Rulers of Synagogues, *Crispus* and *Sosthenes*. *Epiphanius* declares, it was instituted first at *Alexandria*, that in the whole City should be but one Bishop. At last in the VIII. Nicene Canon, we see it was defin'd, *That there should not be two Bishops in any City:* yet so, that withall it appears, the Canon was sometimes dispenc'd with. For, the Canon permits, that Bishops returning from the Sect of the *Cathari*, to the *Catholick*

tholick Church, should retein Episcopall honour, next to the Catholick Bishop. So, the *Ephesin* Synod, after the Election of *Theodorus*, grants that honour to *Eustachius*, as appears by an Epistle to the Synod of *Pamphilia*: and, in the conference before *Marcellinus*, the Catholicks offer the same unto the Donatists, if they would returne unto Communion; *Every one of us, receiving an associate of his honour, may sit with greater eminence, the peregrine Bishops sitting by as a Collenge.* *Valerius* alio, in the Church of *Hippo*, assumed *Austin* to himselfe. Which, although *Austin* saith 'twas done through ignorance of the Canons, appears yet to have been a thing not unheard of afore, much lesse believ'd repugnant to the Law Divine. Moreover, the Episcopall Chairs, in many Cities, were often void, not for some months only, but many years together; all which time, *The Churches*, that I may againe speak with *Ferom*, were govern'd by the Common Counsell of the Presbyters: or, as *Ignatius* saith, *The Presbyters fed the flock, untill God should shew them one to governe them.* To the Roman Clergy, we see, *Cyprian* wrote many Letters, and the Clergy answer'd him, concerning all things pertaining to the State of the Church.

Epist. ad Antioch.

15. In
whom is
the right
o Ordina-
tion.

Church. Furthermore, all the antients doe confesse, there is no act, except Ordination, so proper to the Bishop, but it may be exercis'd by the Presbyter. *Chrysostome* and *Ferom* are very clear in this point. And, although in the judgement of these Fathers, the right of Ordination is denyed Presbyters; which may be seen in the constitutions of many Synods partly Univerfall, partly topicall: yet, why may not this be understood, that the Presbyters could ordaine none, *in contempt of the Bishop*. That they did in some sort concur to Ordinations with the Bishop, seems to appeare by the IV. Synod of *Carthage*: *When a Presbyter is ordain'd, the Bishop blessing him, and holding his hand upon his head, let all the Presbyters also, that are present, hold their hands upon his head, by the Bishops hand*. For the confirmation hereof, I dare not bring that of *Paul*, concerning the *laying on of hands of the Presbytery*, because I perceive, *Ferom*, *Ambrose*, and other antient, and, the Prince of all recent writers, *Calvin*, interpret Presbytery in that place, not the *consistory*, but the *Office* to which *Timothy* was promoted. And truly, whosoever is versed in the Councils, and the writings of the Fathers, cannot be ignorant, *Presby-*
tery,

tery, as *Episcopacy* and *Diaconacy*, to bee names of Offices. And, seeing it is certaine, that *Paul* laid hands on *Timothy*, it seemeth neither necessary nor convenient, to joyn fellows with him for an Apostolicall act, and Collation of miraculous gifts. In the meane time, I doe not see, how this can be refelled, (even among the Schoolmen, *Antisiodorensis* long since granted it :) where Bishops are not, Ordination may be rightly made by Presbyters. For, the things that are observed for order sake, admit exceptions. So, in the antient Councill of *Carthage*, it is permitted Presbyters in case of necessity, *to reconcile penitents* : and in another place, *to lay hands on the Baptized*. Moreover, as we have said above, it is doubtfull, whether Presbyters, that neither have Presbyters under them, nor a Bishop over them, are neerer to Bishops or more Presbyters. For, of *Timothy* also, *Ambrose* argues thus, *He that had not an other above him was a Bishop*. And, we know, (to take an instance in the Commonwealth) many things are lawfull for a Senate having not a King, which to a Senate under a Kings Power, are unlawfull. For, a Senate without a King is as it were a King.

This

16. For
wh^t rea-
sons Bi-
shops
were laid
by in some
Churches.

This is our third Assertion: *The causes were not light, why, in this age, in some places, at least for some time, Episcopacy was omitted.* That the causes are temporary, *Beza* himself seems to acknowledge, when he saith, He is not the man, to think the old order were not be restor'd, *if the ruines of the Church were once repair'd.* Of these causes, the first might be the penury of men, sufficient for so grave an Office; for, if that were a cause just enough, while the Church was yong, to omit, in many places, the Episcopall eminence, as we heard *Epiphanius* say; why then, at the Churches Rise out of the thickest darknesse, might not the same cause take place, especially in those places, where was found not one of the old Bishops, that would yield up himself to truth, and open his eyes to see the light held forth. Another cause of this omission, might be the long and inveterate depravation of the Episcopall Office. *Socrates* of old complains, some Episcopacies of his time had exceeded the bounds of Sacerdotall purity, and were corrupted into Domination. *Hierax* complains in *Pelusi*, the Dignity of lenity and meeknesse was advanced into Tyranny. *Nazianzene* complains of the ambition of Bishops,

Bishops, and for that reason wisheth, if not Episcopacy, yet at least that perpetual right of Cities in retaining Episcopall dignity, were changed: *Would to God, there were neither Presidency nor preeminence of place, nor tyrannicall power; that we might all receive our estimate by vertue alone.* The Fathers of the *Ephesin* Synod long since professe themselves afraid, lest that, *under the colours of the Sacred Function, should commence the pride of secular power.* And it is easy to find the like sayings in the *African* Councils. But verily, never did Ecclesiastical ambition, from the Apostles age unto those times, advance to such a hight, as it hath done since those times, to the memory of our Fathers. So that now, without cutting off the part wherein the cause lyeth, the disease seems almost impossible to be cur'd. It is true, good things are not to be condemn'd because some men abuse them: yet the abuse being turn'd into a custome, an intermission of the things themselves is not infrequent. The Mosaicall Serpent might have remained without Superstition, if the thing it self were considered: but *Ezechiah* respecting the grown vice of the people, that he might take away the Superstition, took away the Serpent. I am
loth

loth to say, that the name and eminence Episcopall, by their fault, to whom it had fallen, had lost all its reverence, and was come into the *odium* of the common people; to whom, even when they are in error, somewhat sometimes is to be yielded. The Romans, being evill intreated by the *Tarquins*, took an oath, they would no more endure a King at *Rome*. A third cause may be added, that in those most infestious times, the Preachers of the truth, being hated for the truths sake, were obliged to acquit themselves, not only from the crime of ambition, but from all suspicion too; which when by taking away the Episcopall dignity they sollicitously endeavour'd, for all this, they escaped not the calumny of their adversaries. What reproaches should they not have heard, had the change of Doctrine been joyned with the acquisition of preferment? I will adde one cause more, why, in the beginning of the Repurgation, Episcopacy was not very necessary. God had raised up excellent men, of great wit, of great learning, of great esteeme, both among their own, and the neighbouring people: few indeed in number, but such as were able to beare the weight of many businesses: Their high reputation amongst all, easily supplied

supplied the defect of Episcopacy. But, (if we will with *Zanchy* confesse the plaine truth,) none were indeed more truly Bishops than they, whose Authority (although this was not their design) prevailed even to the overthrow of Bishops. Nor is that here to be omitted, which we have said already more than once, The Ecclesiasticall Government, for the most part, receives some impression from the Civill. In the Roman Empire, the Bishops were correspondent to the Dukes, the Metropolitans to the Presidents, the Patriarchs or Primats to the Vicars or Deputies of the Emperour. What marvell is it then, if people more accustomed to an Optimacy than Monarchy, would have the Church affairs committed rather to the Clergy, than the Bishop? And these are the causes, wherefore I think the Churches may be excus'd, which have no Bishops: whilst yet they abstaine from a disapprobation of the most Sacred order, and withall retaine, what *Beza* judged in no wise to be omitted: *That was Essentiall*, saith he, *De Mini-*
which by the perpetuall ordinance of God, *Rev. Evang.*
hath been, is, and shall be necessary; that *Grad. cap.*
in the Presbytery some one, both in place and *23.*
dignity the first, oversee and governe the
action, by that right which God hath given
him. Let

Let us come unto those *Assessors*, whom in many places we see joyned to the Pastors out of the people, by an annuall or bienniall Office. They call them Presbyters, when yet they neither Preach the Gospell to the people, nor exhibite the Sacraments. Concerning them, this is our judgement.

17. Lay-
Elders,
none in
the Apo-
stolicall
time.

First we say, *Those temporary Presbyters are strangers to the Apostolicall and antient Church*: nor have I seen any, that would affirme, much lesse could prove, that they were known of old. *Tertullian* prescribing against Hereticks, among other things declares, how much their temerarious, inconstant, light Ordinations differ from the Rule of the antient Church: *This day, saith he, the man is a Presbyter, who to morrow is a laick*: Nothing could be more clearly said, to make it appeare, that *temporary Presbyters* were in those times unkown to the Catholick Church. It is not, say some, materiall to the nature of the Office, whether it be undertaken for a time, or for ever. If this be so, I may wonder, that Pastors also, employed in the word and Sacraments, are not made Annuall somewhere. But if this be absurd, whence I pray, but because, as the gifts of God are without repentance,

repentance, so the Divine Offices were instituted by him for the perpetuall uses of the Church: *He that hath put his hand to the Plow, and looketh back, is not fit for the kingdome of God:* that is, for the ministry of the Church. Wherefore, this very change of Assessors, is no light argument, that this is an invention of Humane prudence, no institution of Law Divine.

Secondly, *All the antient Church, by the name of Presbyters, understood no other men, but Pastors employed in the word and Sacraments.* I speak not of the word *old men*, or *Seniors* and *Elders*: whereby, 'tis certaine, sometimes age, sometimes Magistracy is meant: but, of the Greek word, which in the Latine tongue doth alwaies signify the Pastorall dignity and Office: and so it doth also in the Greek Authours, wheresoever the word *Presbyter* notes any thing else but age or Magistracy. We are not yet come to that place of *Paul*, which belongs rather to the question of Divine Right: and of the Elders of the old Testament, there will be place to speak hereafter. Of so great a number of Fathers, of so many volumes of books, after so long canvassing of this controversie, not so much as one place hath

18. All the antients by Presbyters understood; only Pastors. The ambiguity of the word Seniors and Elders.

hath been alleged, wherein the Presbyteriall dignity is ascribed to any other than Pastors; When yet, if there had been two sorts of Presbyters, not often, but a hundred, yea a thousand times mention of them ought to have been made especially in the Canons, which describe unto us the whole Government of the Church; at least the manner of electing those *Presbyters*, *non-Pastors*, would somewhere shew it self. And although the Defendant, or he that is on the Negative, is not to make prooffe; yet were it easy to produce infinite places of the Fathers, which attribute to all Presbyters the right of feeding the flock, of Baptising, and exhibiting the Lords body; and, so far, equall all the Presbyters to Bishops, and call them the Apostles Successors: which also declare, the Presbyters punishment was, to be remov'd from the Presbytery, or for a time to be admitted only to the Communion of the Laicks: which farther shew, that maintenance was given to every one, and a much severer Discipline prescrib'd for them than others. Moreover Laws are extant too, of the Presbyters Privileges, and immunity from Civill Courts and burdens; and many other things there are, which will not suffer us
to

to acknowledge any Presbyters, but Pastors only.

Some allege a History of the *penitentiary Presbyter*, and sharply reprehend the abrogation of him; which yet, at other times, they like very well, when the Popish Confession is opposed. But who ever heard of any Penitentiary, that was not a Pastor? or, when did the antients ever believe, that the use of the Keys might be separated from the Ministry of the Word and Sacraments? Certainly, Christ gave the Keys to them to be used, to whom he gave power to Preach and to Baptise.

19. The Penitentiary Presbyter.

What God hath joyn'd, let no man put a sunder. Ambrose, of the right of binding and loosing, saith, This right is permitted

De peniten. l. 1. c. 2.

only to the Priests; and elsewhere, Those Keys of the kingdome of Heaven, all we Priests have receiv'd in the Blessed Apostle Peter. Ferri, of these, that succeed in the Apostolicall degree, They, saith he, having the Key, judge before the day of judgement; and in the same place, It is no easy matter to stand in the place of Paul, to keep the degree of Peter. Chrysostome, This bond of the Priests tyeth the very soule. No man is ignorant, that the Fathers by Sacerdotes, or Priests, doe meane Pastors, to whom the Word and Sacraments are

20. Pastors may be call'd Priests.

T

entrusted:

entrusted: indeed, beside the use of the new Testament, but not without Authority of Scripture; for in *Esay* God foretelling the calling of the Gentiles by the Gospell, *Es. 66. 21.* saith, *And I will also take of them* (the converted Gentiles) *for Priests, and for Levites.* Wherefore, the exercise of the Keys, and the Right to absolve penitents, according to the judgement of all the Fathers, agree to Priests alone, that is, to Presbyters, the Depositories of the Word and Sacraments. Wherefore also, these Presbyters, who specially attended to the absolving of Penitents, are to be thought no other than Priests, whom the new Testament stileth Pastors.

21. Who
are the Se-
niors in
Tertullian.

Now, as the word *Presbyter*, when it signifies a Function Ecclesiasticall, is never found in the Fathers applyed to other than Pastors; so neither is the Latine word *Seniors*. *Tertullian* speaking of the use of the Keys, judgement is given, saith he, *with great Gravity, as in the presence of God; and it is a very great prejudgement of the future judgement, if any one hath so offended, as to be excluded from Common Prayer, and the Assembly, and all holy commerce.* The most approved *Seniors* are the *Presidents*, having obtained the honour by testimony, not by price; for no Divine thing

is set to sale. That in those times Presbyteries consisted only of Pastors, *Calvin* himself confesseth; wherefore, *Tertullian* putting the Greek word into Latine, calls them *Seniors*, who had the power of the Keys. For in Greek they are call'd *Presbyters*: which word, in its primary signification, expressing age, was after transferred to Civill Dignities, and last of all to Ecclesiasticall. Let all the Acts of Synods, that ever were, bee read quite thorough, there will be found no *Seniors*, that were not Pastors. Moreover the word *major natu*, or Elder, which seemeth proper to age, began to be applyed to Pastors, in imitation of the Greek word. *Firmilian* Bishop of *Cesarea*: *The Majors are the Presidents (in the Church) who have also the power to Baptise, and to impose hands, and to ordaine*: He hath given sufficient caution, to understand no other then the Pastors. So then, the words, *Presbyter*, *Senior*, *Major*, have a threefold signification, noting First age, Secondly Magistracy, Thirdly Priesthood. Nor only was the name of *Seniors* common to Magistrats and Pastors, but the Assembly of Presbyters, the *Presbytery*, which *Ignatius* calls the *Sacred System*, *Ferom* hath translated *Senate*: *The Church hath*

a Senate, the Assembly of Presbyters: that is, of those Presbyters, who at the beginning, saith he, were equall to the Bishops, and by whose Counsell the Church was governed. Tertullian by such another Metaphor, stiles the Clergy an Ordo, or State; The Difference, saith he, between the State and people, was constituted by Authority of the Church.

¶ 2. Why the ancient Bishops used to consult with the Church.

Acts 6.2.

Acts 21.

32.

Farther, we must observe, by the word Seniors, Ecclesiasticall writers doe often understand not dignity, but age. It is certaine, the Bishops of old seldome disposed any affairs of greater moment, without consulting the Church. Which course was alwaies profitable; in the times of persecution, or upon imminent feare of Schisme, almost necessary. For this cause, to lay the murmuring, which arose about the daily ministration, the multitude of the Disciples were call'd together. So, after Paul was come to *Ferusalem*, when there was a rumour of him, that he taught the Jews to forsake *Moses*, although all the Elders were present, it is said, *the multitude must needs come together. Cyprian saith, I could returne you no answer alone, because ever since I was made Bishop I resolved (this word shews it was arbitrary) to doe nothing, on my own head, without*

without your Counsell (the Clergy) and consent of the people. 'Tis plaine, as in the Ordination of the Clergy, so in separating and in reconciling the lapsed, the people were wont to be consulted with. Not alwaies all the people, among whom were Women and the younger sort, but the Fathers of Families, and not all these neither, but the elder, and of riper judgement, who haply are the Many, of whom ^{2 Cor. 2. 6.} *Paul* speaketh. These were often consulted with, in place of the people. In the acts of purgation of *Cecilian* and *Felix*, are mentioned, the *Bishops*, *Presbyters*, *Deacons*, *Seniors*: and after, *Take unto you your Brethren of the Clergy, and the Seniors of the people*. Some be *Seniors* then, who are not *Clerks*; and therefore *Laiks*. For these are still distinguisht in the Fathers. 'Tis ill favouredly done of them that take this word amisse; for it is no terme of disgrace, but is necessarily used to distinguish the Clergy Seniors from the rest. Neither have the Fathers only so spoken; whose Authority yet at least ought to suffice for the retaining of certaine words; but the Prophets themselves, in whom the Priests and people are divided. Rightly then, are they called *Laiks* who are not Priests, that is, dispensers of

Divine mysteries. *Austin* writes, *To the Clergy and Seniors of the Church of Hippo*, and in *Turonensis* it is, *Before the Bishop, Clergy and Seniors*. Yet I will not peremptorily deny, but by *Seniors* in those places, may be understood Magistrates, who, as we have even now said, were stiled by that name. So, *Leo* inscribes an Epistle, *To the Clergy, the honour'd, and the common people*.

*Serm. 19.
de verb.
Dom.*

23. Who
are the
Seniors
in the
suppositi-
on as *Ambro-
se*.
1 Tim. 5.

And, as in some places it may be doubted, whether by the word *Seniors* the Magistrates or the Elder in age are meant; so in other places, question may be made, whether by the same word the Elder in age, or the Priests are signified. As, when *Gregory* appoints, *If any Clergy man be accused, let the truth be inquir'd, the Seniors of the Church being present*. And, when *Austin* mentions them, that for ebriety, thefts and other errours are rebuked by the *Seniors*. And, when *Opatus* shews, the Ornaments of the Church were commended to faithfull *Seniors*. For, all this may agree both to Clergymen and Laymen.

But, most worthy of our consideration is that place of an uncertaine Authour, commonly reputed *Ambrose*, out of his Commentaries on *Pauls* Epistles. The words

words are these: *Old age indeed is honourable among all Nations? Whence it is, that both the Synagogue, and afterward the Church had Seniors, without whose advice nothing passed in the Church. How this is grown obsolete I know not, unlesse perhaps by the dissentions of the Doctors, or rather by their pride, whilst they alone would seem to be some-body. That we may know the writers mind, we must see, whom he calls Seniors in the Synagogue. Whether the Magistrates, who were called Seniors sure enough, that the Synagogue may be a Bench of Judges, as in Matthew, They ^{cap. 10.} shall scourge you in their Synagogues? I 17. think not although many things (as we shall shew anone) which belonged to the Jewish Magistrates, are wont by a certaine similitude, to bee applyed to the Christian Presbyters. Hear the same Author elsewhere declaring: *It was a Tradition of the Synagogue, that the Seniors (in dignity) disputed sitting in their Chairs, the next on Benches, the last in the pavement upon mats. I suspect the word (in dignity) stole out of the margin into the text. For Philo describes the same custome thus, They that come to be Priests take their places in order according to their age, the younger beneath the elder. Where-**

¶ 4. Liberty to Interpret Scripture in the Synagogue.

fore, the Seniors in age sate first. And, questionlesse, some such order of sitting was observed in the antient Church; which *James* would not have neglected, when he reprehends them, that give the honour of the higher seats to rich men only, the poor being thrust down below, or enforced to stand. It follows in *Phila*, *One of the most skilfull, passing over the difficult places (of the Holy Bible) makes an exposition of them.* 'Tis to be noted, in the Synagogues of the Jews, to every one exercised in Holy Writ, (and all were so, except mechanicks, as also among us) it was permitted to interpret Scripture. By this common liberty, Christ taught in the Synagogues, and after him the Apostles. Memorable are the places, *Luke iv.* and *Acts xiii.* There the book is reached forth to Christ: here *Paul* and *Barnabas*, though unknown, are asked to speak unto the people, *If they have any word of exhortation.* If no stranger, or none of the people offer'd himself, then the chosen men of the Seniors (who were nam'd the Fathers of the Synagogues, the Majors, and by an excellency the Seniors) interpreted the Law. And these being not well provided, it was the Rulers Office. Somewhat correspondent to this, we find in the first Christian

Christian Church. For, they that have the gift of prophecy are permitted by the Apostle to speak unto the people at the Assembly, by two or three, and the rest to judge. That miraculous gift ceasing, it was hardly lawfull for any one, except the Pastors, to teach among the Christians. Indeed, we read of *Origen* and a few more, not Presbyters, who taught in the Church: but that was feldome, and not without peculiar licence of the Bishops. For the Bishop of *Casarea* being reprehended for permitting *Origen* to teach, alleged three examples of the like concession, adding, it was credible, though not apparent, the same was done in other places. Here now we see some difference between the Interpreters of the Law in the Synagogue, and the Interpreters of the Gospel in the Church. In the Synagogue, they taught, as many as *had any word of exhortation*: in the Church, all that were *approved and had obtained the honour of a Testimoniall*, as *Tertullian* speaks, that is, they that were *ordained*. The Judges of the Highest Synedry were wont to be *ordained* by imposition of hands: but of the expounders of the Law, the same doth not appeare. A reason of the foresaid difference is, not only because the Preaching
of

25. And
in the an-
cient
Church:
with the
difference

of the Gospel is of more moment, than the expounding of the Law; but also, because in the Christian Church the Preachers of the word are withall dispensers of the mysteries. Whereas, the Masters of the Synagogue administred no Sacraments. For all the Sacrifices were offer'd in the Temple only, except the Passeeover; which yet was not celebrated in the Synagogues, but in every house, the Master of the Family being chief. Nor was it any where commanded, that Circumcision should be given in the Synagogues, or by any speciall Ministers. It may then be doubted, what *Seniors* of the Church, *Pseudambrose* understands: those, that answer to the *most skilfull* of the Synagogue, who also are scarce any other but aged men, (in which respect the chief of the Monks are called *Seniors* in *Iustinian*;) or those, that answer to the *Elders in age*, in *Philo*? If the former, then *Pseudambrose* saith the very same with *Ferom*. The one, *Without the Counsell of the Seniors nothing in the Church was done*: the other, *The Churches were govern'd by the Common Counsell of the Presbyters*: speaking of those Presbyters, which, he saith, at first were called Bishops, and out of whom afterward the Bishops were elected.

But

Nov. 133.
Cap. 11.

But if the later please you more, (and truly his speech mention'd his age, not Office :) the meaning will be this, which we have exprest a little afore ; That, instead of all the people, the Elder men were wont to be consulted with, in the more weighty affairs : that is, in ordaining the Cleriks, in absolving the lapsed, and such like. And indeed, it is more credible, this custome was long since obsolete and disus'd, to consult with the people or the chief of the people, than that the Bishops did almost all things without consulting with the Clergy. Yet this also by little and little came to passe and prevailed against the antient custome. These things therefore being understood, no man will henceforth doubt, but in all Ecclesiasticall writers, the word *Presbyters* or *Seniors* pertains either to the aged in the Church, or to the Magistrates, who also are a part of the Church, or to the Pastors. And this ought to prevaile with us, that we take not, unadvisedly and without forcible arguments, the places of Holy Scripture speaking of Presbyters, in any other sense, than they have been taken by them, who being nearer to the Apostles times had more perfect intelligence of that antient Title.

But

26. Lay-
Elders, or
Assessors,
not com-
manded
by God.

But now let us proceed to the Oracles of Holy Scripture : and let this be our third Assertion : *Those choice Assessors of the Pastors, of whom we dispute, are not by Divine precept.* Whosoever affirms the contrary must condemne the Church of so many ages, for contempt of Gods Law : from which temerity, we think it becomes us to abstaine. Nor indeed is there any weight in their arguments, who affirme that which wee deny, and upon whom therefore lyes the necessity of proving. Sufficient answers have been returned heretofore by very learned men : yet lest any defect be in our Treatise, it will be worth our pains, to repeat what hath been well said, and to adde somewhat that may bring light unto the question.

27. Mat.
18.17.
Explai-
ned : and
the Dif-
ference
'twixt the
Synedry
and the
Consisto-
ry.

In the front, we have that which Christ commandeth, *Tell it to the Church, &c.* In which place, some are of opinion, Christ hath given the Church direction, to institute a certaine Synedry to judge of things Ecclesiasticall, consisting both of Ministers and other persons ; for such they will needs have Ecclesiasticall Synedrys to have been. As for the words of Christ, the antient and recent expositors have offer'd us sundry explications of them. To repeat them all were tedious. To me, the
most

most simple and plaine Interpretation, and which comprehends almost all the rest seemeth to be this: The man, that hath offended us, is not easily to be accounted for one deplored and incurable. There are severall degrees of admonition to be observ'd, first alone, that he may, if it be possible, repent without a witnesse of his fault; if that avails not, a friend is to be taken with you; one, a second, and a third, if perhaps he will yield to their Authority. And hitherto Christ hath said nothing, which is not almost in the same words deliver'd in the writings of the Jews. For this is extant in the book *Musar*. *If, say they, hee will neither then bee reconciled, (friends being used, two or three,) let him depart, and leave him to himself; for such a one is implacable, and is call'd a sinner.* But the same book in another place addes one degree more; for thus it saith, *If neither by this means he shall prevaile any thing (friends being used) then he ought to make him ashamed in the presence of many.* Which Christ not disapproving, according to his exceeding lenity, which he would have us to imitate, would have us try all things first, before we give up the man for lost; for that is the sense of, *Let him be unto thee as a Heathen and as a Publican:*

Mat. II.

19.

Mar. II.

15.

Publican : that is, an incorrigible sinner. So, in the Gospel are often joyn'd, *Publicans and sinners*; and the Gentiles are call'd *sinners*, as when Christ saith, hee should be deliver'd into the hands of *sinners*. Wherefore the meaning of Christ is, that before we relinquish all hope, after a few witnesses, any company of pious men ought to be adhibited, to the end the scandalous person may be reclaim'd, by the number and consent of grave men, by the punishment or censure of many, as Paul speaks. For in *Musar* and in Paul the many, and in the words of Christ the Church, are the very same. Certainly, that a Company not great, is comprehended in the name of Church, both the LXX. teach us, and Paul too, who hath entitled, by the name of Church, one family of pious people. Here it sufficeth, that it be understood, this place in *Matthew* is nothing to their purpose; for a company both of Pastors, and of non-Pastors, may be without the Assessors, of whom now the question is.

What they adde concerning the Jewish Senates, after long consideration, I cannot grant. The *Synagogues* of the Jews, their *Proseucha*, and *Phrontisteries*, as *Philo* calls them, were far different from their

their Courts of judgement. In their *Prosencha* were the Scriptures read and expounded, all were instructed (to speak againe with *Philo*) *to the love of God, to the love of vertue, to the love of men*: whereto answer those three words of *Paul*, *Godly, soberly, justly*. Here are no judgments exercised upon any. That was done in the Courts of judgement; where the Judges had cognizance of Sacred matters as well as of Profane; the same Judges, by the same Law; for in the Hebrew people these were never disjoyn'd. These Judges were partly in the severall Cities, partly in the Head City. Those were the lesser Synedryes, to the Hellenists; this the Great one, and by an excellency *the Synedry*. Whence the Hebrews following the Hellenists derived *Sanhedrin*. None of these Courts, because they had all of them coactive power, could be retained in the Apostolicall Church; because, it is certaine, neither the Apostles, nor the Church had any coactive power granted to them.

I come unto the name of *Presbyters*, 28. Lay
which many think, in the new Testament Elders
was given to the Assessors of Pastors; not spo-
which is not clear to me. In the Testa- ken of in;
ment I find three significations of this the new
word: Testa-
ment.

- word : one which pertains to age, as when
 1 *Tim. 5. 1* the *Presbyters* or Elders are oppos'd to
 the younger ; another, which belongs to
 Power and Empire, as when there is men-
 tion of those that fate in the great Syn-
 dry or in the lesse ; a third, which agrees
 to the Preachers of the Gospell ; a fourth
 I doe not find. A question may be made,
 why the Apostles call'd the Pastors, or-
 dained by them, by the name of Presby-
 ters ? Was it, because scarce any other
 but old men were called to that Office ? or,
 because in the Synagogue also the Ma-
 sters, by an excellency, had that appella-
 tion ? or, (which I like as well) by a si-
 militude taken from the Jewish Magi-
 strates ? For, Christ himself, in the con-
 stitution of his Church, that he might shew
 himself a King, and withall by degrees
 might abolish the hope of an earthly King-
 dome, compos'd his Church, though de-
 stitute of all externall power, to a certaine
 Image of the Judaicall Kingdome, and so
 erected the minds of his Disciples to the
 hope of a Kingdome Celestiall. There
 was one King among the Hebrew people :
 He also acknowledgeth himself to bee a
King. In that Kingdome were twelve
 Princes of their Tribes : Christ constitu-
 ted to himself so many *Apostles* ; and, that
 it

29. Why
 Pastors
 were
 call'd El-
 ders by
 the Apo-
 stles.

30. The
 Church
 of Christ
 compar'd
 with the
 Judaicall
 Kingdom.

it might not be doubted, whether he had respect, promiseth to them twelve thrones, whereon they should judge the twelve tribes of *Israel*. In the Kingdome, were LXX Senators of the Great Synedry: so many *Evangelists* are constituted by Christ. The third dignity in the Kingdome, was of the City Judges, called Presbyters or Elders: in the Church also the *Presbyters* follow the Apostles and Evangelists in the third place. The chief of those Judges were called Bishops or Overseers: and so in the Church the Princes of the Presbyters are the *Bishops*. Lastly, They that waited upon those Judges were *Deacons* or Ministers: so are they called in the Church, who are Ordained below the Presbyters.

What the Office of Presbyters is in the Christian Church, the Apostles in sundry places teach us. *Paul* having sent for the Presbyters of *Ephesus* to *Miletum*, gives them to understand, *that they were made Overseers over the flock to feed the Church of God*. *James* biddeth the sick call for the Presbyters of the Church, *to pray over them, and anoint them with Oyl, in the name of the Lord*. *Peter* exhorts the Presbyters, being himself a Co-Presbyter, that is, a Colleague in the Office. It appears

31. The Office of Elders in the new Testament.

Acts 20.

28.

Jac. 5. 14.

1 *Pet.* 5. 1.

pears therefore, they were Pastors. Neither were they otherwise ordain'd, but by imposition of hands: as of *Timothy* it is recorded. In other places, where without any character, Presbyters are barely mention'd, to understand any other Presbyters, but those who in so many places are most clearly describ'd, is the part of a temerarious conjector, unlesse the Context compell us to depart from the certain and receiv'd signification.

32. An
answer to
the on-
ly place,
x *Tim.* 5.
x 7.

In all the new Testament, only one sentence of *Paul* is extant, which is speciously brought to confirme those Presbyters non-Pastors. *Let the Presbyters or Elders, that rule well, be counted worthy of double honour, especially they who labour in the word and Doctrine.* From this word, especially, is infer'd that there were in that time certaine Presbyters, who *ruled* only, and did not labour in the word and Doctrine. But first, if that were true, at least somewhere else would appeare this new kind of Presbyters (never spoken of before) by what Author, by what occasion it began, as the Originall of Deacons is recorded: and not so on the By, and in passage, in a single place, where the speech was not concerning Offices Ecclesiasticall; this necessary part of Ecclesiasticall Government

Government should not, I say, so slightly be insinuated. Again, the Fathers next to the Apostles times would have told us somewhat of it: at least the Greek Fathers, who could not be ignorant of their own tongue, would have left us this Interpretation, which some suppose to follow from the very *series* of the words. Now, when as before the last age not one of the Interpreters hath taken the words of *Paul* in that sense, we have reason to see, whether they admit not another interpretation, more consonant to other places of the Scripture. Let us then consider the scope of the Apostle. He would have *double honour* given to Presbyters. What hee means by *honour*, may be understood by the words afore, *Honour Widows*. Where, ^{1 Tim. 5. 3} *to honour* is nothing else but to *maintaine* them *honestly*; for, his will is that the Widows should be honour'd, who are *Widows indeed*, that is, as appears by the opposition, such as have not believing kindred, by whose help they may be relieved; for, if they have, such he forbids to be burthensome to the Church. After he had finished his discourse of sustaining Widows, he shews, the Presbyters also must be supplied with honest maintenance. That this is noted by the word *honour*, the reason

annexed proveth: For it is written, *Thou shalt not muzzle the mouth of the Oxe that treadeth out the Corne.* This same testimony of Scripture, he had produced elsewhere, to the same sense: *who goeth a warfare any time at his own charges? who planteth a Vineyard, and eateth not of the fruit thereof? or who feedeth a flock, and eateth not of the milk of the flock? Say I these things as a man? or, saith not the Law the same? For it is written in the Law of Moses, Thou shalt not muzzle the mouth of the Oxe that treadeth out the Corne.* And afterward, *If we have sown unto you spirituall things, is it a great thing if we shall reap your carnall things? Well is it noted upon the place, we handle, by Chrysostome, Jerom, Ambrose, Calvin also, and Bullinger, that the Apostle here speaks of supply of maintenance, & necessities. That our Assessors should be sustained by the Churches allowance, is not seen at this time nor was ever seen. Neither is it credible, that the Apostle, who every where spares the Churches, burdened enough with poor people, would lay an unnecessary burden on them. Wherefore, if ever, in this place especially, those Assessors had been unseasonably mention'd where a discourse*

course of maintenance is commenced. The words of *Paul* have been commodiously interpreted many wayes by others. The plainest Interpretation is, *Maintenance is due indeed to all Presbyters, that rule the Church, that is, feed the Lords flock; but especially to them that wholly neglecting their private affairs, apply themselves to the only care of propagating the Gospel, and spare no labour in it.* Here then, are not set down two sorts of Presbyters, but it is declared that the labour of all is not equall. All acknowledge, even *Beza* too, that the word translated, *to labour*, notes *Ad Mat. II.* not every labour, but that which is most painfull. In such labours not vulgar, *Paul* *2 Cor. 6. 5.* saith, he approved himself the Minister of God; for explication whereof he addes, *painfulnesse, hunger, thirst, watchings,* and *II. 27.* all kinds of incommodities, *Christ* in his Epistle to the Bishop of *Ephesus*, having said, *I know thy works*, addeth as somewhat greater, *and thy labour.* *Paul* againe, oft-times attributes to himself, *to labour*; and *Apo. 2. 2.* the same to certaine holy Women, which renouncing the world went up and down for the service of the Gospell. To these Presbyters then, who care for nothing but the Gospel and for its sake expose themselves to all distresses, reason it self

1 Thes. 5.
12. 13.

will dictate, somewhat more to be due than to the rest. So also *Paul* to the *Thes-sal.* ascribeth, *to rule*, and, *to labour*, unto the same persons: *We beseech you, brethren, to know them, which labour among you, and rule over you in the Lord, and admonish you: And to esteeme them very highly in love for their works sake.* All the error of the new Interpreters ariseth hence, that they think, *in the word and Doctrine*, is to be pronounc'd emphatically, when the Emphasis is in, *labour*; for explication whereof is added, *in the word and Doctrine*, Such another hallucination is theirs, who in the words of *Paul* to the *Cor.* where he discourses of the Supper: *Let a man examine himself*: they urge the word, *himself*; when the Emphasis is not there, but in the word, *examine*; nor is, *himself*, put distinctively, but declaratively. Moreover, that clause, *in the word and Doctrine*, could not so well be joyned with the first part of the sentence, as the second, because it hath very fit coherence with *labour*, not so with *rule*. I will give you like forms of speech, which no man will charge with unaptnesse: *Masters, that bring up youth, are profitable to the Common-wealth; they especially, that attend this one thing night and day, to make their Scholars good proficients both*

both in vertue and learning. Physicians, who cure the Body, are to be had in great esteeme; They above the rest, who with no lesse affection than pains, doe their utmost endeavour, to preserve or restore our health. Compare the thread of Pauls discourse herewith, you will see all to be even and square.

Other places, that are wont to be al-
leged, are more frigid, and vanish of their
own accord. *Rom. 12.* Divers gifts, and
according to the measure of gifts, divers
actions are reckoned up, but such as doe
not yet make divers Functions. As the
same may be, *He that giveth*, and, *He* *Rom. 12. 8.*
that sheweth mercy: So nothing hinders
Him that exhorteth, and *Him that ruleth*,
to be the same. For, out of the two pla-
ces already produced, it is manifest, that,
to rule, is attributed to Pastors, as also, *to*
guide, *Heb. 13. 7.* Likewise, to the *Corinth.* *1 Cor. 12.*
not only divers Functions are enumerated, 18.
but also many gifts, which meet in the
same Function. As therefore, *miracles*
and gifts of healing doe not make divers
Functions, so neither doe *Helps and Go-*
vernments; but all these are aids and or-
naments of the Pastorall Office.

Thus far, we have endeavoured to make
it appeare, that the Adsession, we speak of,

is not by Divine precept. The fruit of which determination is, that we entertain no worse opinion of the antient Churches, than is meet, nor of the late reformed, who make no use of those Adessors. Now, on the other side, what we conceive, may be said for that Office, shall fairly be produced.

§4. The Highest Power, or the Church might lawfully institute lay Elders

First, *That Office might lawfully be instituted, either by the Highest Power being Christian, or by the Church, where the Highest Power either car'd not for the Church, or granted leave to doe it.* For, seeing it hath the Highest inspection over all the actions of Pastors, as the *Custos* of both Tables; nor can it execute all things by it self; it was lawfull to delegate some, who, in its name, might be among the Presbyters, with that right, which the Highest Power was pleased to communicate unto them. Which, by that, that shall be handled in the next Chapter shall be made more manifest. The Church also is not interdicted by Divine Law, to institute Offices, making for the conservation of order, and for edification: and it hath that liberty remaining, untill it be circumscribed by some Law of the Highest Power. These things need no proof; for they shine by their own light and no Divine Law can be shewed to the contrary. Secondly,

Secondly, *Some passages may be found in Holy Scriptures, whereby it may appeare, this institution is not displeasing unto God.* I prove it, first in respect of the Highest Power, by the constitution of the Judaical Synedry: wherein, with the Priests there fate men chosen out of the people, proposed truly to Civill affairs, but to Sacred too, as hath bin shew'd afore. Wherefore, when out of the new Testament, on the contrary part, nothing is alleged, hence we doe rightly collect, that Jurisdiction in Sacred things, that is, publick judgement, and joyned with command, may be committed to some of the people with the Pastors; especially if the better part be deferred to the Pastors, as in Sacred things, greater was the Authority of *Amariah* the Priest, then of *Zebadiah* the Ruler. By the same argument, is rightly defended the Ecclesiasticall Senate, which by the Commission of the Elector Palatine rules the Church affairs with command, and consisteth partly of Pastors, partly of pious Magistrats. In respect of the Church also, the same is thus made good. It was lawfull for the *Corinthian* Church (even without the Apostles Authority, for the Apostle reprehends the *Corinthians* for not doing that, which now he

35. This institution not displeasing to God proved by Scripture.

2 Chron. 19.11.

he chargeth them to doe) to constitute in the Church, some to determine private controversies. If so much was lawfull to the Church for avoyding of contentions, why might not as much be lawfull for avoyding of the mischief of Oligarchy? Besides, it is oft times expedient, that the whole multitude of believers be consulted, in the Church affairs, as above we have shewed: why may not then the Church adjoyn some unto the Pastors, who may consider this, at what time it is needfull, that the Church be consulted. It was also lawfull for the Church, to

2 Cor. 8. 19. make choice of some, who might in their
 Phil. 2. 22. name carry and dispose of their mony; wherefore, seeing the Pastors have inspection over the Deacons, the Church may, for this purpose joyn some associates to the Pastors, *Lest any should blame them in their Administration of the Churches benevolence*, that I may speak with the Apostle. Lastly, it was lawfull for the Antiochian Church to delegate some out of their Company, to be present at the Debate of the Apostles and Presbytery of *Jerusalem*, by whose testimony they might be assured, all was there done according to Gods word, and without partiality.

Thirdly,

Thirdly, *Examples in pious Antiquity* 36. Exam-
ples in
the an-
cient
*are not wanting, which, if not wholly Con-
ſonant, yet come very near unto this caſtome.*

On the part of the Higheſt Powers, it is
moſt evident, the Emperours appointed
Senators and Judges, to ſit in Synods, In-
ſpectors and moderators of their actions.
Church
drawing
toward it.

Nor this only, but to give ſentence to-
gether with the Biſhops, concerning the de-
poſition of a Biſhop, and other matters, as
we ſee it happen'd in the caſe of *Photinus*
and *Dioſcorus*. And, why is not that
lawfull in Presbyteries, which was lawfull
in Synods; eſpecially, when as no leſſe
regard is to be had of Presbyteries in
narrower territories, than of Synods in
that amplitude of the Roman Empire?

But further, by the Emperours were given
unto the Churches, at their requeſt, *De-
fenders*, which were Laiks, whoſe Office
waſt to keep off all force and tumult from
the Church and Paſtors; and to take care,
that nothing ſhould be done in the Church,
by violence or corruption. Theſe are they,
who in the later ages begin to be called the
Churches *Advocates*. So, by the Metro-
plitans were wont to be given unto the
Churches *Phrontiſta*, or Sollicitors, who,
with the Biſhop ſhould keep accounts of
the Churches treaſure. On the Churches

part,

*Novel. 56.
Conc. Chal-
can. 76.*

part, we must repeat, what was said afore, that the whole multitude was not alwaies consulted, but sometimes the Elders only. Now, if it was lawfull to carry the consultation from the multitude to the Elders, why might it not, the company of Elders being over great, be contracted to a fewer number, especially with consent of the multitude? Moreover in choosing Pastors, it appears, that which was belonging to the multitude was often, by compromise, collated on a few. And, that in Synods Laiks were present, and gave their vote, is so manifest, both by the History of the Great Councill and elsewhere, that Pope *Nicolas* could not deny it. In this point, the judgements not of *Melanchthon* only and the later Authors, but of *Panormitan* and *Gerson* are well known. Why, in Presbyteries may not be allowed as much to Laiks, chosen for that purpose, no reason can be found. But farther yet: It is apparent, in the antient Church, there were Matrons, to exhort the other women to an honest conversation: whom they called *Presbyters*; and, because in the Churches they sate above the other women, *Presidents*. The XI. Canon of the Laodicean Synod abrogated them, when they had continued untill that time,

as

as *Balsamon* notes. And haply, *Paul* speaks of them, where he requires the *Presbyteresses*, or aged women *to be holy in behaviour, not false accusers, not given to much wine, teachers of good things: That they may teach the young women to be sober, to love their husbands, to love their children, &c.*

If women therefore, partakers of no Church-Office, might neverthelesse be appointed by the Church, to be teachers of other women, why might not others, beside the Pastors be assumed by the people, who, abstaining from Pastorall Offices, should with greater dilligence performe that, that is not only permitted, but commanded every Christian? And, if those were entitled *Presbyteresses*, we may also in a more generall respect, give unto these the appellation of *Presbyters*. Moreover, not much distant from the Office of Adseffors, is the Office of Church Wardens and Sidemen in the Church of *England*. Upon whom it resteth, to take care, that none disturbe the Divine service; that no excommunicate person thrust himself into the Assembly; They are also to admonish inordinate livers, and, if they persevere, to defer their names unto the Bishop. And these are chosen by the Church.

Tit. 2. 3.

37. The English Church-wardens not much unlike the Adseffors.

Fourthly,

38. The
Adseffors
be of good
use.

Fourthly, our last position is, *that from these Adseffors no small benefit may accrew unto the Church.* For, if we respect the Highest Powers, it is expedient for them to have, in the Assemblies of Pastors, their eyes and ears, by whose Ministry they may explore, whether all things be done with fidelity and according to rule. But, if we look upon the Churches, it is a thing of consequence, that they also have a good opinion of the Pastors; which will then most probably come to passe, when they have witnesses of their actions, and some to beget and keep a right understanding between the Pastors and themselves.

39. Yet
with cer-
tain cau-
tions.

Upon the premises it follows, that in the Office of Adseffors, who in some places are in use, whom for distinction we may call temporary or *Lay-Presbyters*, there is nothing to be reprehended. But, we conceive, these *cautions* are to be remembered, 1. *That the Office be not affirmed of Divine precept*; which cannot be said without contumely of the antient Church, and divulsion of the present. 2. *That nothing be attributed to them, which pertains to the Evangelicall Keys*; which Christ having given to be exercis'd by Pastors only, may not be by us transferr'd to any other. To

excom-

excommunication therefore, as it is the Pastors work, they can conferre nothing beside their Counsel ; but, as excommunication is also the work of the people, who ought to remove from them wicked persons, so far they may make an Act, or Decree, which may be propos'd to the people for their approbation. 3. *Let none be elected to this adsession, who are unable for Church-Government, and especially for judging controversies.* For that is perillous, and undecent for the Church, and the most ready way to Oligarchy. 4. *Let not those Adsessors exercise any externall Jurisdiction, or Coactive Power, beyond what the publick Laws allow them.* 5. *Let them know their Office, not only as the Pastors Office, which is instituted by Christ; but, as the things that are of humane Institution, and therefore mutable; is subject to the Authority of the Highest Powers.* The two last cautions being not known, or not well observed, great perturbations of the Commonwealth doe necessarily follow, as wise men have heretofore admonished, and we have daily experience. For, many men having once imbibed this opinion, that, that Government is of Right Divine, come at last to this, to believe the Highest Powers have little or nothing to doe

40. The
Genevian
election
of Adsef-
fors.

doe in the Church, as being by God abundantly provided both with Pastors and with Rulers too. Thus is an Invention of humane prudence confronted to the Ordinance of God, and in this two headed Empire is sown perpetuall seed of parties and factions: whereunto they cease not to turne their eyes, whosoever either in State or Church seek after Innovations. They that remember, what hath been done, thirty years since, in this our Country, know the truth of what I say. And this consideration principally mov'd me, not to leave this question untoucht. 'Tis worthy the Relation, that in *Geneva* (which City brought forth, if not first this Synedry it self, at least the prime Defenders of it :) the entire right of electing those Elders is in the City Senate, which is call'd the *Little*, the Counsell of the Pastors being only heard. Nor are they only elected by the Senators, but from among Senators alone, that is two out of the same little Senate, and ten both out of the Senate of the sixty, and out of the other Senate of two hundred. The election made after this manner, is submitted to the examination of the two hundred: and the Elders elected, although they have no Jurisdiction, yet they give oath

oath to the Republick. He must needs be very ill-fighted, who perceives not, what incommodities the *Genevians* feared, when they took such a sollicitous and wary course for their elections.

C H A P. XII.

*Of Substitution, and Delegation
about Sacred things.*

IT is not enough for the Supreme Governour to know his own Right, unlesse he know also how to use it in the best way. Now, whereas the Supreme Governour executes his Office, partly by himself, partly by others; in those things which he dispatcheth by himself, how he ought to use the Counsels of wise men is said afore; nor is it unworthy to be here repeated; that the Christian Emperours and other Kings alwaies had, standing by their side, most Religious Pastors, by whose Counsels they did dispose of Sacred affairs, as they did of secular by the advise of others. But, neither by this Help is the Supreme Governour, whose influence is diffused through so many and so great businesses, enabled to dispatch all things, but hath need to use the service of

I. The H.
power
hath need
of Vicars
in Spiritu-
als,

X

Deputies.

Deputies. *The most weighty labours, (saith a wise Author) of him that holds the Imperiall Ball, have need of Helps: And, many busineses want many hands. The Disputation makes a great noise in the Law-School, What parts of Authority may be committed to other by the Highest Power?*

2. What Authority may be committed to inferiours, by the Highest Power.

3. Liberty of Religion tolerated sometimes

It would be tedious and impertinent to relate all that may be said upon this question. In short, some things there are, which are not possible to be separated from the right of the Highest Power: some things which to communicate to any other, by reason of their greatnesse, is not expedient. Of the former kind, is the right of amending Laws, though made by others; the right of cancelling unjust judgements, if not by way of appeal, at least by way of Petition; the right to void elections, which are against the good of the State or Church. Of the later sort are these: *the choice of Religion*, and as well the Election, as the Deposition of the chiefe Pastors: which the Highest Powers, for the most part, have reserved to themselves, yet not alwaies. For also to certaine subjects, whether Princes, or Corporations, we see the choice of Religion hath been granted, when the necessity of the times exacted it. Nor is this

this so new, when the Persians also, Macedonians and Romans granted the Jews and other Nations, under their Dominions, Liberty of Religion: Moreover, the Bishops of *Rome* and *Constantinople*, we know, were not alwaies elected by the Emperors.

The ways of committing Right to others are two, *Substitution*, and *Delegation*. Substitution I call a mandate given by Law or Privilege: Delegation, by special Grant. That the Highest Powers were accustomed to substitute Bishops, we have shew'd above; for thence ariseth, the right of making Canons, which have the force of Law; the right with Power to depose a Pastor, or to exclude one of the people out of the Congregation: which apparently have been permitted to Synods or Presbyteries. From the same Spring-head is the right of the Clergy or Chapters to make elections: as may be proved by many Patents of Emperours and Kings. Wherein verily, their piety is worthy of all honour. For they judged, that unto them, who were most acquainted with Sacred affairs, and to whom the Pastorall Regiment was by God committed, that other Regiment, which flows from the Imperiall Power, might also be

4. Vicars are either substitutes or delegates.

5. Bishops substituted, and Cleriks.

6. Pastors
and Lay-
men joy-
ned,

Nov. 17. c.
II.

committed most safely. Would the event had not oft deceiv'd them, in their so honourable design. In the meantime, they, who endure not Pastors to be call'd, in any part, Vicars of the Highest Powers, are to advised to depose their error, moved either by reason, or the Authority of Laws and Histories. Elsewhere we see, the care of holy things was committed to Pastors with others, not Pastors, but pious and learned men, and that not without example of Divine Authority. For the great Synedry of LXX. among the Hebrews, upon whom, among other things, the care of Religion lay, consisted of Priests, Levits, and men chosen out of the people. No doubt, in matters of Religion, (yea in all Judgements, if I mistake not) the High Priest gave his sentence before the rest. Yet so, that the Kings Vicegerent, who was entituled *Nasi*, had the first place, and asked the Votes. After which exemplar, I observe, the Ecclesiasticall Senate is compos'd in the Palatinate. This Conjunction of the lesser Powers with the Bishops I find also in *Justinian*. Certaine it is, in the Deposition of Bishops, the judgements of the Synod, and of the Synators or Judges adjoynd by the Emperours, met together.

So, *Pholinus* is deposed by the sentence of the Bishop, and the men of Senators rank, whose names are recorded in *Epiphanius*. Sometimes therefore, the lesser Powers were associated to the Pastors, only to suppress violence and tumult; sometimes, to give sentence with them. And so, in the election of Bishops, *Justinians* Law united with the Clergy, the City Magistrates. Which manner had not its first Originall then; for *Theodoret* tells us, *After the death of Athanasius, Peter was made Bishop by the suffrages of the Clergy, and of the men in dignity and office.* Yea, times have so fallen out, that, by reason of Schisms or the tumour of Bishops, it was necessary, this weighty part, the care of Sacred things with command, should be committed to the inferiour Powers, and that without the Bishops. For, *Ælianus* *Constantin's* Proconsul, and *Marcellinus*, by Commission of *Honorius*, examin'd the Laws of the Donatists, and gave sentence twixt the parties, as above is noted. And in the Court of C P. one of the Patricians did particularly attend the Church affairs: whence his Office had its name. So also, the Parliaments of *France* by appeal, the Senate of *Spain* by way of opposition, the Court of *Holland* by penall writs, corre-

7. Sometimes Laymen alone

sted the errours of the Ecclesiastic censure.

8. The
right of
Lay-Pa-
trons an-
cient, and
derived
from the
Regall.

Moreover, that the right of electing or presenting Pastors (the right of ordaining saved to the Pastors, and of probation to the people) was oft times allowed to laymen alone, is clear enough. And this is the *Right of Patronage*, which, not with us only, is in force, but in *England* and the *Palatinate*, as may be seen in the English Canons and the Palatine Constitutions. Now, as we doe not blame their piety, who are sollicitous, lest any mischief be done the Church, under colour of this right; so the truth exacteth at our hands, not to let passe in silence the temerarious Assertion of those men, who say this right is a new thing, and depends upon the Authority of the Pope. Surely, *Justinian* is not a new Emperour, nor liv'd he under the Popes Domination, yet hath he established this Right by a Law. *If any devout person hath built a House, and will ordain Clerks in it (here to ordaine, the Latine Interpreter translated for, to elect) either himself or his Heirs, if they maintaine the Clericks, and name such as are worthy, the named shall be ordained: but if the presentees are, by the Holy Rules, excluded as unworthy of Ordination, then let the most Sacred Bishop ordaine*

Nov. 123.
c. 18.

ordaine

ordaine ſuch as he ſhall find more worthy.
 This Law was publiſhed by *Juſtinian* about the year *DXLI.* at what time the Roman Biſhops were at the Emperors devotion and created by them. There is alſo another Conſtitution of the ſame Emperour ſet forth as is thought in the year *DLV.* *Novel* and inſcribed to the Biſhop of *C P.* Which *157.* permits the Founders of Churches, or of maintenance, to appoint Clericks, if yet they be found worthy by the Biſhops examination. And in the year *DLIII.* a Canon was made is the Councill of *Tolen*, to the ſame effect. About the yeare *DCCCXXVII.* were collected the Conſtitutions of *Charls* the Great, wherein we find, *If Laic (Patrons) preſent unto the Biſhops Cleriks approved both for their life and learning to be conſecrated, and conſtituted in their Churches, by no means let them be rejected.* Not only Paſtors of inferior degree, but Biſhops alſo were conſtituted by the Dukes of *Bavaria* and *Saxonia*, by a Right long ſince derived from the German Emperours, as hath been obſerv'd by others. When as, without ſuch Grant, the Inveſtiture of Biſhops (as *Hermoldus* of old hath written) is proper to the Imperiall Majeſtie. Wherefore this Right was extracted from the Conſtitution

9. Benefices not the Popes Patrimony.

Covar. p. 2
Relig. c.
Poss. Sect.
10.
Duar. l. 3.
de Ministr.
cap. 11.

10. The Customs of Holland

stitution and Concession of Emperors and Kings, and is an Of-spring flowing from the Right of the Highest Power. And it is so far from depending on the Popes Authority, that on the contrary, the makers and Interpreters of the Papall Law, have opposed or clipped nothing more eagerly, desiring to perswade the world, that all benefices are the Patrimony of the Pope. *Panormitan* is chief among them: whom I had much rather have for my adversary in such a matter, than my Second. For I know, most of his Comments in this kind are refuted by *Covarruvia* and *Duarenus* and other Lawyers: and wisemen have herein alwaies differ'd from the Clergy of those times, even unto our age. See but what the the *Holland* Senate hath noted in the Trent-acts, as contrary to the old Law of our Nation. To the *iv. Sect. c. 12.* In this Chapter the Lay Patrons seem to be grieved. To the *xxv. Sect. c. 4.* We must beware, lest by uniting Parish Churches and single Benefices, prejudice be done to the Lay Patrons: and in other places more to the like effect. This was then the judgement of the Senate, the Keeper of the old Customs of our Country: which may more justly be defended by us, than what our Ancestors in their unhappy time, esteem'd

esteem'd intollerable. But what if the Roman Bishops themselves; what if *Panormitan* himself durst not require of Lay Patrons, what is now required, by vertue of their Authority? I will not dispute about the word, whether the Collation of the Patron may be call'd *Election*, and yet *Clement III.* call'd it so. These words are cited: *In a Conventuall Church, the assent of the Patron is better requir'd, not to the election of the Prelate to be made, but after it is made:* the following words, which are very materiall being omitted: *unlesse the custome be otherwise by reason of his Jurisdiction.* For, many ages before, and in many places, the custome was otherwise; and namely in our *Holland.* Witness againe the Senate: Note, that if the first Prebend to be void, in Collegiat Churches, be assigned to the Readers of Divinity; the King and other Lay Patrons, whose right it is in the Collegiat Churches of *Holland*, in every Chapter, should be deprived of the presentation of the Prebend first to be void. In such a Collegiat or Conventuall Church, the Pope hardly admitted a Lay Patron; but the Emperors, Kings, and the Princes of our *Holland*, as we now heard, have admitted him, even to the memory of our Fathers; and therefore,

Cap. nobis
de Jur.
patr. Ex
d. c. nobis

Ad cap. 1.
Sess. 5. Syn.
Trid.

therefore, the Pope fearing he should not be obeyed, added to his decree the exception of Custome ; which many as it now appears, if they had a Papacy, would not adde . That our States abrogated the Right of Patronage, neither is true, nor can be said without their injury. For they mention, among the causes of the troubles, the Acts of the Trent Synod ; and shew, that nothing did more hinder the publication of them, than that the Lay-Patrons complained, their Right was infringed by those Constitutions. What opinion the States themselves had of the businesse, we have heard their own words. This is a certain truth, that both the election made by the Patrons may, upon just causes, be rescinded by the Highest Power, and all this Right, no lesse than other things which are the properties of private men, is Subject to the Commands of Law. To which restraint, if we adde both the exploration of the people, and the Pastoral Ordination, the corruption of the Church need no more be feared, from Noble Patrons, than from Rustic Elders.

¶ 11. All Patronages subject to the Highest Power.

¶ 12. Inferior powers have no command by Divine Right.

Two things remaine to be spoken, before I conclude this part, concerning de-
rived Right. The one is this, *that the In-
ferior*

feriour powers have, by Divine Right, no Authority at all about Sacred things. What ere they have, they have it as by the Supreme, which we have elsewhere noted. Wherefore, neither Joseph the Decurion, nor the Proconsull Sergius, could doe more in the Church, than any private person. Because, neither the former from the great Synedry, nor the later from the Roman Emperour, had received any Power, to dispose of Ecclesiasticall affairs. And no man ought to snatch to himself the sword, or any part thereof. The other is this: Being the tuition of the Church 13. And little is to be given them by the Highest, in Sacred things. *is a principall part of the Supreme Authority, the Highest Powers will doe wisely, if they grant as little as may be of it to the Magistrats. And whatsoever they grant, let them take care at least, to commend these most noble Offices, only to their most noble Peers. For, if the charge of Checker mony and Coine is committed not to the Municipall Judges, but to men of higher place, how much more doth it concerne the publick safety, and the Churches honour, that Ecclesiasticall affairs be not devolved to inferior tribunals. So, in France, no Judges below the Parliament have cognizance of abuses of the Ecclesiastic censur; nor with us, of old, below*

14. None
at all un-
lesse they
be Ortho-
dox,

low the Senate of *Holland*. But, the In-
spection of the Church affairs is not easily
to be deferr'd to them, who are not in the
Churches books. For, seeing both Jews
and Christians held it irreligious, to carry
their private complaints before such as
were Aliens to their Law; much more
unworthy were it and dishonourable, in
so great frequency of Right believers,
that the wounds of the Church should
be committed to the cure of any other
persons, but only to the Sons of the
Church.

THE END.

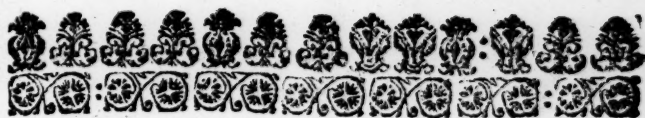
Soli Deo Gloria.

Erudito Lectori.

EX Latinis bonis, Anglica non mala
me fecisse, si censueris, est quod gau-
deam. Fateor, autem, ne mihi fraudi sit,
nonnulla hic omissa: ea nimirum, quæ
aut ipsa Res, aut Lector meus facilius
abesse pateretur. Nempe, istam navavi
operam, in eorum præcipuè gratiam, qui
Latina non attingunt. Ingens operæ pre-
tium est, ut *ut arduis* (quorum quadras fer-
re oportet) meminerint, officii esse sui,
ne quid Resp. Ecclesiastica detrimenti
capiat videre, Clero dignitatem concili-
are, Et populum antiqua sub Reli-
gione tueri. Da veniam, erudite Le-
ctor, & Vale.

Scripsi Decem. 17.

1650.



The Method of every Chapter.

CHAPTER. I.

1. **T**He State of the question.
2. An argument from the Unity of the matter, proved by Scripture.
3. And by Naturall Reason.
4. An argument from the Universality of the end, proved by Scripture.
5. And by Philosophy.
6. The Right vindicated by direct Authority of Scripture.
7. By the consent of the Antient Christians.
8. And of the Reformed.
9. And of the Heathens.
10. With respect unto eternall happinesse.
11. And unto temporall prosperity.
12. Which follows true Religion by virtue of Divine providence.
13. And by its own nature.
14. More Reasons added.

A Table.

CHAP. II.

- I. **A**LL Functions are under command.
 2. Some by emanation.
 3. The Supreme Authority, and the Sacred Function united in the same person, by the Law of nature.
 4. It was so, before Moses, and after among the nations.
 5. The Supreme Authority, and Sacred Function separated by the Law of Moses.
 6. And by the Christian Law.
 7. Sacred names and Privileges given to the Highest Powers.
-

CHAP. III.

- I. **I**nternall actions not subject to the Highest Power, but in relation to externall.
2. Actions either determined or not determined, before any Humane Command.
3. Actions determined by Law Divine, either naturall or positive.
4. Actions undetermined are the matter of Humane Law; and also determined, both because of their adjuncts and of a new Obligation.
5. Actions, not under Humane Command, are only those that are repugnant to Divine Law.
6. Com-

A Table.

6. Commands repugnant to Divine Law, bind to a non-residence: And wherefore.

7. Subordinate powers not exempt from that Obligation.

8. Examples alleged to the contrary answered.

9. Difference 'twixt Internall actions and Externall.

10. What God commands cannot be forbidden by man, with validity.

11. How Religion is not subject to humane power.

12. How it is subject.

13. The Highest Power may determine any actions not afore determined by God.

14. Resistance, under colour of Religion, unlawfull, proved by Scripture and Examples: and Objections answer'd.

15. Not so many particulars, in Sacred things as in Secular, under humane power: with the reason of it.

CHAP. IV.

1. **O**bjections answered. And first, that Christ instituted the Pastorall Office.

2. That the Magistrate is not of the essence of the Church, answer'd.

3. An Objection out of Esay answer'd!

Y

Whether

A Table.

Whether Kings are under the Believers, or Church.

4. *That Kings are under the Pastors function, answer'd.*

5. *The Objection taken from the Kingdom of Christ, answer'd. What that Kingdom is, and whether he hath Vicars.*

6. *Pastorall Government overthrowes not the Authority of the Highest powers.*

7. *Distinctions of Government: Directive and Constitutive. By Consent and by Command. Supreme and Inferiour. By Emanation and by Subjection.*

8. *Pastors have no Coactive or temporall power: proved by Scriptures and Fathers.*

9. *Their Government suafory and Declarative.*

10. *The Church hath no power of Command, by Divine Right.*

11. *The Church hath a Government Constitutive, by consent: proved by reason, and examples of Scripture.*

12. *The Supreme Authority compatible to the Church: the Inferiour only, to Pastors.*

13. *The Authority of the Highest powers not overthrown by the directive and Declarative Regiment of Pastors.*

14. *Nor by the Constitutive.*

15. *Nor by any temporall given them by positive Law.*

A Table.

CHAP. V.

1. **T**He word *Judgement*, explained.

2. It pertains to the *Highest power*.

3. *Notwithstanding that they may erre.*

4. *And notwithstanding, that Christ is the Supreme Judge.*

5. *How the Scripture is Judge.*

6. *How the Pastors and the Church is Judge.*

7. *Understanding is required to Judge.*

8. *The Highest powers capable of sufficient understanding.*

9. *Divine things are easy to be understood.*

10. *Help from God, by prayer.*

11. *Piety also requisite in the Highest powers to enable them to judge.*

12. *A distinction 'twixt the Rectitude and the Validity of an action, applyed.*

13. *Infidel Princes may judge of Sacred things. Examples hereof.*

14. *And the Reason of it.*

15. *Catechumens not excluded from judgement.*

16. *Right to judge is one thing, Ability another. Illustrated by Similies.*

17. *The judgment of the Prophets, 1 Cor. 14. 31. not privative of the Highest powers.*

18. *The Kings of the old Testament judged not as Prophets only, but as Kings.*

A Table.

CHAP. VI.

1. **T**he Right of command, and the Use of it distinct.
2. Pious and learned Pastors to be consulted by the Highest Powers.
3. Principles of faith; Intrinsicall, Extrinsicall. These Divine, and Humane.
4. Of Divine Authority proposed by men.
5. And the state of the question 'twixt Protestants and Papists.
6. When 'tis fit to rest in Humane Authority.
7. No man may pin his faith of salvation upon another; proved by Scripture and Reason.
8. In matters not determined in Scripture, more may be given to humane judgment.
9. The Prince must use his own judgment; Especially where Counsellours doe not agree.
10. An Objection out of Deut. answer'd.
11. Another out of Numbers 27.
12. Care must be had of the Churches Peace, and Unity.
13. Cautions and rules conducing to Unity. Few divisions in points of Faith.
14. And those in Generall Councils.
15. Ecclesiasticall Laws deliver'd in a persuasive way.
16. How to preserve Unity in point of Ceremonies.
17. Highest

A Table.

17. Highest Powers need the Ministry of others.

18. Prudentiall rules have their exceptions ; and whence.

19. The distinction of power Absolute, and Ordinary, erroneous.

20. Highest Powers how far obliged to their own Laws.

CHAP. VII.

1. **W**Hat we meane by Synods.

2. No precept in Scripture for them.

3. Their Original not from Acts 15.

4. But from the Law of nature ; which is distinguisht into Absolute and After a sort.

5. Synods not from the Law naturall absolute.

6. Synods under the Pagan Emperours : by what right.

7. Synods called by Christian Emperours.

8. Three questions about Synods.

9. Whether the Highest Power may govern without a Synod.

10. The affirmative proved by examples.

11. Three ends of Synods, yet not necessary : Counsel, Consent, Jurisdiction.

12. Synods sometimes not usefull.

13. Accusers may not be Judges in Synod.

A Table.

14. Synods sometimes hurtfull.
15. What may serve in their stead.
16. Other causes to deny Synods, beside the generall corruption of Religion.
17. What is to be done, till a free Council may be called.
18. Synods not call'd without the H. power.
19. II. Whether the H. power may choose the Synod-men: and judge in Synod.
20. The right of the Primitive Church. And, the assembling of Bishops.
21. The Emperours encyclic letters to the Metropolitan.
22. The H. power may elect Pastors for the Synod: prov'd by reason and examples.
23. When the election is permitted to others, the H. power hath command over it.
24. The H. power may judge in Synod.
25. Whether it be expedient or no, in person.
26. The Highest powers present in Synods by their Deputies.
27. III. What is the Highest powers right after Synod: The Epicrisis wherein is the right to change, to adde, to take away.
28. An Objection answered.
29. The manner of giving the Epicrisis, or finall judgement. Of appeal.
30. The Epicrisis in parts of Religion as well as in the whole.

A Table,
CHAP. VIII.

1. **T**He severall Acts of Authority, are Legislation, Jurisdiction, and another without speciall name.

2. *Wherein is Legislation.*

3. *It belongs to the Highest power, about the whole Body of Religion.*

4. *Answer to an Objection of the change of Religion.*

5. *Religion not to be brought in by force of Subjects.*

6. *False and Schismaticall worship, by the Highest power, sometimes prohibited and punished.*

7. *Sometimes dissembled and regulated.*

8. *Legislation in the parts of Religion.*

9. *Suppression of unprofitable questions. And of words not found in Scripture.*

10. *The regulating of Church-mens conversation.*

11. *Laws about things undetermined by Divine Law. And that beside the Canons.*

12. *Yet are the Canons of use in the making of Laws.*

13. *No Legislative power belongs to the Church by Divine right.*

14. *Yet may it be granted the Church by Law positive: Cumulatively, not Privatively: and not without subordination and dependance.*

A Table.

15. *How Kings have confessed themselves bound by the Canons*

16. *Canons dispensed with by them. Examples hereof, even in the Apostolical.*

17. *Divine Lawes also moderated by equity.*

CHAP. IX.

1. *Jurisdiction about sacred things belongs to the H. Power.*

2. *The effects if it are declared.*

3. *Jurisdiction proper belongs not naturally to the Pastors.*

4. *Yet by Law positive it belong'd to them in some nations.*

5. *Pastoral acts of divine right, which seem to come neare Jurisdiction, and yet are distinct from it.*

6. *The Apostolical rod.*

7. *The use of the Keyes.*

8. *Prescription of the works of penance by way of direction or persuasion.*

9. *Non-exhibition of the sacraments.*

10. *The Churches acts by Divine right, which seeme near Jurisdiction, but are distinguish'd. Separation from the inordinate brother or Pastor.*

11. *Canonical 1^{sts} superadded to the former, and distinguish'd from them.*

12. *Jurisdiction*

ATable.

12. *Jurisdiction granted to Pastors by positive Law*

13. *The efficacy of this Jurisdiction.*

14. *The Jewes had the like granted them.*

15. *The Accessories of excommunication.*

16. *All Pastoral Jurisdiction properly so called flowes from the H. Power.*

17. *How far those Pastoral acts may be used upon the supreme Governour. Of the use of the Keyes.*

18. *Under which pretence, cannot be excused seditious Sermons which are refelled by Scripture, and the Objection answer'd.*

19. *All coaction of the H. Power unlawful.*

20. *Canonical acts cannot be exercised against the H. Power without Consent.*

21. *How the Pastor may satisfy his Conscience.*

22. *What is the right of the H. Power about the foresaid acts of Pastors and Churches.*

23. *Ecclesiastical Appeals depend upon the H. Power.*

24. *Exercise of supreme Jurisdiction by himselfe or by others.*

25. *The H. Power may dispense with Canonical and Legal penalties. And judge whether Excommunication be just or no.*

A Table.

CHAP. X

1. **T**wo perpetuall functions of presbyters and Deacons. And their difference.
2. These four distinguish: Mandate, Election, Ordination, Confirmation.
3. Of ordination without a Title.
4. Ordination only by Pastors.
5. The H. Power hath authority over it.
6. Right Immutable or Mutable.
7. How the election of Pastors belongeth to the Church.
8. Apostolical Institution subject to change.
9. Deacons, but not Pastors, elected by the people.
10. Pastors in the Apostles times elected by the H. Spirit. And Mathias the Apostle.
11. Popular Elections not proved by Acts 14. 23.
12. Nor by the precept of avoiding false Teachers.
13. The old way of trying Pastors in the primitive Church.
14. Cyprian doth not confirm, but overthrow popular Elections.
15. Pastors oft chosen by the Bishops, not by the people.
16. The Election of Bishops, by the clergy: By the comprovincial Bishops.
17. Mutability in the manner of Election.
18. In elections the H. Power hath a Legislative right.
19. And

A Table.

19. And may it self make Election upon just cause.
 20. This proved by Reason.
 21. And by examples : in the state of Natu-
rall Law : and under the Mosaical.
 22. Examples of the Roman Emperours,
and of the Kings of France.
 23. Objections answer'd.
 24. Of Investitures. By them is meant the
Collation of Bishopricks.
 25. Examples of the Kings of England.
 26. Pastors as well as Bishops may be ele-
cted by the Highest Power.
 27. Examples hereof.
 28. The Objection from the abuse of right
answer'd.
 29. The Canons and Fathers answer'd.
 30. Touching the Right of pagan Kings.
 31. The best manner of Election.
 32. The right of rescinding Election re-
served still to the H. Power.
 33. And of Exauētorating pastors, if need
be.
 34. Although chosen by others.
-

CHAP. XI.

1. Things necessary to be distinguisht from
not necessary.

2. Of

A Table.

2. *Of Bishops, and Lay-elders.*
3. *The word Bishop explained. Here taken for the Overseer of Pastors.*
4. *Bishops not against Gods word.*
5. *Bishops alwayes in the Catholic Church.*
6. *Even in the time of the Apostles.*
7. *Bishops allowed by the word of God.*
8. *A place of Ambrose examin'd.*
9. *Timothy and Titus were Bishops.*
10. *Bb. stiled Angels, Apostles, Presidents.*
11. *Patterns of Bishops in the natural Law, in the Mosaical: but most probably the Rulers of Synagogues.*
12. *Bb. of great use to the Church.*
13. *Yet not by divine Command.*
14. *Nor always one Bishop in every City.*
15. *In whom is the right of Ordination.*
16. *For what reasons Bishops were laid-by in some Churches.*
17. *Lay-Elders none in the Apostles time.*
18. *All the Ancients by Presbyters understand only Pastors. The ambiguity of the word Seniors, and Elders.*
19. *The penitentiary Presbyter.*
20. *Pastors may be called Priests.*
21. *Who are the Seniors in Tertullian.*
22. *Why the ancient Bb. used to consult with the Church.*
23. *Who are the Seniors in the suppositious Ambrose.*

14. *Liberty*

A Table.

24. *Liberty to interpret Scripture in the Synagogue.*

25. *And in the antient Church ; with the Difference.*

26. *Lay-Elders, or Assessors, not commanded by God.*

27. *Mat. 18. 17. Explained. And the difference 'twixt the Synedry and Consistory.*

28. *Lay-Elders not spoken of in the new Testament.*

29. *Why Pastors were calld Elders by the Apostles.*

30. *The Church of Christ compar'd with the Judaicall Kingdome.*

31. *The Office of Elders in the new Test.*

32. *An answer to that only place for Lay-Elders, 1 Tim. 5. 17.*

33. *Other places need no answer.*

34. *The Highest power, or the Church, might lawfully institute Lay-Elders.*

35. *This institution not displeasing to God: proved by Scripture.*

36. *Examples in the antient Church drawing toward it.*

37. *The English Church-wardens not much unlike the Adseffors.*

38. *The Adseffors may be of good use.*

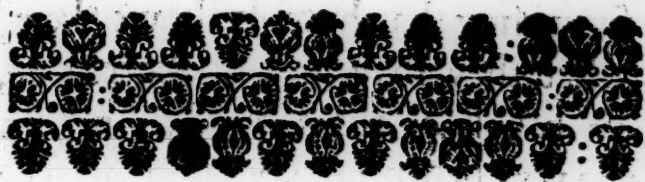
39. *Yet with certaine cautions.*

40. *The Genevian elections.*

A Table.
CHAP. XII.

1. **T**He Highest Power hath need of Vicars in Spirituals.
2. What Authority may be committed to Inferiour Powers by the Highest.
3. Liberty of Religion tollerated sometimes.
4. Vicars either Substitutes or Delegates.
5. Bishops substituted and Cleriks.
6. Pastors and Lay-men joyned.
7. Sometimes Lay-men alone.
8. The right of Lay-Patrons, antient, and derived from the Regall.
9. Benefices not the Popes Patrimony.
10. The Custome of Holland.
11. All Patronages subject to the Highest Power.
12. Inferior Powers have no command by Divine Right.
13. And little is to be given them by the Highest, in Sacred things.
14. None at all, unlesse they be Orthodox.

THE END.



An Advertisement to the Stationer.

S I R,

IF it be objected (as a friend of mine conjectured it might) that the work is any way opposite to the present Government, speaking so much of Kings and Emperors: The answer is, That the Judicious Author distinguisheth between Kings absolute, and such as are confin'd or bound up by Laws; and cannot act without or against a Parliament. See cap.3. Sect.8. So that, This treatise doth not presume to dispute the States Authority ('tis ill disputing with those that command Legions:) but pre-
supposing

supposing that, humbly shews them,
what they may and ought to doe,
on behalf of the Church. And, in
the very first page, you find all the
Book is written of the Highest
power, whether King or Senate.
And, these are the Authors words
at the end of 15. Sect. Chap. 11. A Se-
nate without a King, is as it were a
King. This I thought fit to adver-
tise, to prevent jealousy. Fare you
well, And remember, 'tis one of
the best pieces of the excellent
Grotius.



Courteous Reader, These
Books following are to be sold by
Joshua Kirton, at the Kings Arms
in *Pauls Church-yard*.

Books of Divinitie and Sermons.

1. **T**He Truth of Christian Religion, proved by the Principles and Rules, taught and received in the Light of the understanding, in an exposition of the Articles of our faith, commonly called the *Apostles Creed*, written by a learned Author lately deceased, in Folio. 1651.

2. A Concordance Axiomaticall, containing a Survey of Theologicall Propositions, with their Reasons and Uses in holy Scripture, by *William Knight*, in fol.

3. Certain Sermons or Homilies appointed to be read in Churches in the time of Queen *Elizabeth*, and now reprinted in folio.

4. Compunction or pricking of heart, with the time, means, nature, necessity, and order of it, and of Conversion; with motives, directions, signes, and means, of cure of the wounded in heart, with other consequent, or concomitant duties, especially self-deniall; All of them gathered from *Acts* 2.37. being the summe of 80. Sermons. With a Postscript concerning these times, and the suriableness of this text and Argument to the same, and to the calling of the Jewes. By *R. Fenison*, Doctor of Divinity, in quarto.

5. A plain Discovery of the whole Revelation of *St. John*, in two Treatises; 1. Searching and proving the Interpretation. 2. Applying the same paraphrastically,

eally, and historically to the text, with a Resolution of certain doubts, and annexion of certain Oracles of *Sibylla*; by *John Napier*, Lord of *Marchiston*, in quarto.

6. The Government and order of the Church of *Scotland*; with an Assertion of the said Government, in the points of Ruling Elders, and of the Authority of Presbyteries and Synods, in quarto.

7. A Treatise of *Miscelany* questions; wherein many usefull questions, and cases of Conscience are discussed and resolved concerning the Controversies of these times; by *George Gillespie* of *Scotland*, in quarto.

8. An Answer to the ten Reasons of *Edmund Campian*, the Jesuit, in confidence whereof he offered Disputation to the Ministers of the Church of *England*, in the Controversie of Faith; by *William Whitaker*, Doctor of Divinity, in quarto.

9. *Jo. Hen. Alstedius* his discourse of the 1000. Apocalyptical years, or the Saints reign on earth a thousand years; Englished by *W. Burton*, in quarto.

10. Letters concerning Religion, between the late Earle of *Manchester*, Lord Privy Seal, the Lord *Faulkland*, and Mr. *Walter Montague*, in quarto.

11. Truth Asserted, by the Doctrine and practice of the Apostles, seconded by the Testimony of Synods, Fathers, and Doctors, from the Apostles to this day, viz. that Episcopacy is *Jure divino*; by Sir *Francis Worley*, in quarto.

12. An Answer to the chief Arguments for Anabaptisme, by Doctor *John Bastwick*, in quarto.

13. Two learned Discourses; 1. on *Mathew* 28. 18, 19. 2. on *2 Peter* 2. 13. written by a learned and worthy Gentleman lately deceased, in octavo 1651.

14. Popular Errors in generall points, concerning the Intelligence of Religion, having relation to their causes and reduced into divers Observations; by *John Despagne*, Minister of the French Church, in octavo.

15. New Observations upon the Creed, with the use of the Lords Prayer maintained, by *John Despagne*, in octavo.

16. The same in French.

17. New

17. New Observations upon the Commandements,
by *John Despagne*, 1651.

18. The same in French.

19. The Abridgement of a Sermon preached on the
Fast day, for the good successe of the Treaty between
the King and Parliament, 1648. by *John Despagne*.

20. The same in French.

21. *Sermon Funebre de Jean Despagne sur la mort de sa
femme*, in octavo.

22. *Advertissement touchant la fraction & distribution
du pain en la S. Cene obmises en plusieurs Eglises Orthodoxes,
par Jean Despagne*, in octavo.

23. A Monument of Mortality, containing 1. A wa-
kening for worldlings. 2. Meditations of Consolation.
3. Comfortable considerations preparing the sick for an
happy change. 4. A Mirrour of modesty, with a re-
proof of the strange attired woman. and the sacred use
of Christian Funerals, by *M. Day*, Doctor of Divinity,
in octavo.

24. Plain truths of Divinity, collected out of the Sa-
cred Scriptures, particularly of the destruction of An-
tichrist, and the time when, the coming of Christ to
Judgement, and his reigning with his Saints for ever
upon this earth after the restitution of all things; by
John Alcock, in octavo.

25. *Herberts* carefull Father, and pious Child, lively
represented, in teaching and learning, a Catechisme
made in 1200 Questions and Answers, in which the
Catholick truth is asserted, and above 600 Errors, He-
resies and points of Popery are briefly confuted, in
octavo.

26. *Herberts* belief and confession of faith made in
160. Articles, in octavo.

27. *Herberts* quadrupartite devotion, for the day, week,
month, year, made in about 700. Meditations and Pray-
ers, in octavo.

28. Meditations on Christs prayer upon the Crosse,
Father forgive them, for they know not what they doe; by
Sir John Hayward, in octavo, 1651.

29. *Dauids Tears*, or Meditations on the 6.32. and
130. Psalmes, by *Sir John Hayward*, in twelves.

30. The Devotions of the dying man, that desireth

to dye well, Written by *Samuel Gardiner*, Doctor of Divinity, in twelves.

31. A Beautifull Bay-bush, to shrowd us from the sharp showres of Sin. containing many notable Prayers and Meditations, in twelves.

32. A Grain of Incense, or Supplication for the peace of *Jerusalem*, the Church and State, written by *John Reading*, in octavo.

33. An Evening Sacrifice or prayer for a family necessary for these calamitous times, made by *John Reading*, in octavo.

34. Character of true blessedness, delivered in a Sermon at the Funerall of Mistris *Alice Percival*, by *John Reading*, in twelves.

35. Six Godly Meditations or Sermons, upon certain select texts of Scripture, by *Andrew Rivet*, Doctor of Divinity, in twelves.

36. A Meditation on *Math. 17. 27, 28, 29.* or a Pattern for a Kings Inauguration, written by King *James*, in twelves.

37. Directions to know the true Church, written by *George Cavleton*, Doctor of Divinity, in twelves.

38. The Singing Psalmes in Welsh, in twelves.

39. A Preparation to Fasting and Repentance, by *Peter du Moulin*, in 24.

Sermons.

1. **D**OCTOR *Williams*, Bishop of *Lincoln*, on *Galathians 6. 14.* before the Lords of Parliament.

2. *Ejusdem*, on *Job 42. 12.* before the Lords of Parliament.

3. Doctor *Andrews*, Bishop of *Winchester*, on *Luke 1. 74, 75.* November 5. 1617. before the King.

4. *Ejusdem*, on *1 Cor. 11. 16.* on Easter day before the King.

5. *Ejusdem*, on *John 20. 11, 12, 13, 14, 15, 16, 17.* on Easter day before the King.

6. Doctor

6. Doctor *Laud*, Bishop of *St. Davids*, on *Psal.* 22. 3, 4, 5. at the opening of the Parliament.
7. Doctor *Robert Willan*, on *Psal.* 2. 1, 2, 3, 4. on *Nov.* 5. before the Judges, at *Westminster*.
8. *Christopher White*, on *Rom.* 13. 1.
9. *Humphrey Sydenham*, on *Eccles.* 12. 5. at the Funerals of *Sir John Sydenham*.
10. Doctor *Christopher Swale*, on *Gen.* 28. 20, 21, 22. before the King.
11. *Isaac Singleton*, on *Esay* 22. 15. upon *Gowries Conspiracy*.
12. *Peter du Moulin*, on *Rom.* 1. 16. before the King.
13. Doctor *Morton*, Bishop of *Durham*, on *1 Cor.* 11. 16. at *St. Pauls*.
14. *William Price*, on *Ezra* 9. 6, 7, 8. before the Lords of Parliament.
15. *Anthony Cade*, on *Rom.* 2. 15. a Visitation Sermon, with an appendix concerning Ceremonies.
16. Doctor *Henry King*, on *Jer.* 1. 10. at *St. Pauls*, on *March* 27. 1640.
17. Doctor *William Gouge*, on *Nehem.* 5. 19. before the Commons of Parliament.
18. *Ejusdem*, on *Ezekiel* 36. 11. before the Lords of Parliament.
19. *Ejusdem*, on *Ezra* 8. 21. before the Lords of Parliament on the Fast appointed for the good successe of the Treary between the King and Parliament, 1648.
20. *Ejusdem*, on *Exodus* 13. 3. on *Queen Elizabeths* day, *Nov.* 17. at *Pauls*.
21. *Ejusdem*, on *Ezekiel* 24. 16. at the Funeral of Doctor *Ducks* wife.
22. *Matthias Milward*, on *2 Cor.* 2. 14. before the Company of the Artillery Garden.
23. *Ejusdem*, on *Rom.* 13. 4. at *Guild-Hall Chappell*.
24. *Henry Miller*, on *Psal.* 124. 1, 2, 3, 4. on the fifth of *November*.
25. *Alexander Rosse*, on *Mathew* 21. 13. Two Sermons.
26. *John Pigot*, on *Luke* 19. 41, 42, 43, 44.
27. *Nicholas Guy*, on *John* 11. 26. at the Funeral of Doctor *Gouge's* Wife.

28. Thomas Palmer, on Psalm 37.40.
 29. James Wilcock, on Acts 24.13,14.
 30. Ejusdem on John 20.19,20. Lam.5.16. 1 Cor.10.
 16,17. 1 John 4.1. in 6. Sermons.

Libri Theologici Latini, &c.

1. **T**homæ Bradwardini Archiepiscopi olim Cantuariensis de Causa Dei, contra Pelagium, & de virtute Causarum, ad suos Mertonenses, libri tres; Opera & Studio D. Hen. Savilii editi, in fol.
2. De Republica Ecclesiastica pars secunda, cum 2 Appendicibus, 1. de SS. Eucharistia contra Card. Perronium, 2 Responsio ad magnam partem defensionis fidei, P. Francisci Suares, in folo.
3. In Acta Apostolorum, & in Singulas Apostolorum, Jacobi, Petri, Johannis, & Judæ Catholicas Epistolas Commentarii; Autore R.P. F. Nicolao Gorrano Anglo, in fol.
4. Miscelancorum Theologorum, quibus S. Scriptura & aliorum classicorum Autorum, plurima monumenta explicantur atque illustrantur, libri tres, Autore Nicolao Fullero, in quarto.
5. De Potestate Papæ in Rebus temporalibus, sive in Regibus deponendis usurpata, adversus Bellarminum; Autore Joanne Episcopo Rossensi, in quarto.
6. Papa Anti-Christus, sive Diatriba de Anti-christo; Autore Georgio Downamo Episcopo Dicensi, in quarto.
7. Causa Regia, sive de Authoritate, & Dignitate Principum Christianorum dissertatio, adversus Bellarminum; Autore Tho. Mortono Episcopo, in quarto.
8. Antidotum, Aversus Ecclesiæ Romanæ de Merito proprie dictæ ex contagio venenum; Autore Tho. Mortono Episcopo, in quarto.
9. De Suprema Potestate Regia, Exercitationes habitæ in Academia Oxoniensi contra Bellarminum & Suarez. Autore Rob. Abbot professore Regio, in quarto.
10. De Gratiæ & Perseverantiæ Sanctorum, Exercitationes habitæ in Academia Oxoniensi, & Animadversio brevis,

ia R. Thomasoni Diatribam, de Amissione & intermissione Justificationis & gratie, Autore Roberto Abbot.

11. Georgii Abbati Archiepiscopi Cantuariensis Explicatio 6. illustrium questionum, 1. de Mendacio, 2. de Circumcisione & Baptismo, 3. de Astrologia, 4. de presentia in cultu Idololatriæ, 5. de Fuga in persecutione & peste, 6. An Deus sit Author Peccati, in quarto.

12. Stephani Szegedini Analysis, in Psalmos, Prophetas Majores, 4. Evangelia, Acta Apostolorum, omnes Epistolas, & Apocalypsin, in quarto.

13. Liturgia Inglesæ, O Libro del Rezado Publico, de la Administracion de los Sacramentos, y otros Ritos y Ceremonias de la yglesia de Inglaterra, in quarto.

14. La Liturgie Angloise, ou le Livre des Prieres publiques de L'administration des Sacraments, & autres ordres, & Ceremonies de L'Eglise d'Angleterre, in quarto.

15. Georgii Wiceli Methodus Concordiæ Ecclesiasticæ, cum Exhortatione ad Concilium, juxta Exemplar excusum, 1533. in octavo.

16. De Presulibus Angliæ Commentarius, omnium Episcoporum, necnon & Cardinalium ejusdem Gentis, nomina, tempora, Seriem, atque Actiones maxime memorabiles, ab ultima antiquitate repetita, complexus, per Franciscum Godwinum Episcopum Landavensem, in quarto.

17. St. Gregorii Nazianzeni in Julianum Invektiva due, &c. cum Scholiis Græcis & notis, R. Montague, in quarto.

18. Gilberti Foliot Episcopi Lond. Expositio in Canticum Canticorum, una cum Compendio Alcuini, e Bibliotheca Regia, in quarto.

19. De la verite en tant qu'elle est distincte de la Revolution, du vray semblable, du Possible, & du faux, par Edouard Herbert, Baron de Cherbury, in quarto.

20. Loci Communes, D. Martini Lutheri, ex Scriptis ipsius Latinis, in 5. classes distributi, A. M. Theodosio Fabricio, in quarto, 1651.

Books of severall sorts, of Humane Learning.

1. *Gerhardi Mercatoris Atlas*, or a Geographick Description, of the Regions, Countries, and Kingdoms of the world, through *Europe, Asia, Africa*, and *America*, represented by new and exact Maps, in two large Volumes in folio.

2. *Britain*, or a Chorographical Description of the Kingdoms, *England, Scotland*, and *Ireland*, and the Islands adjoyning, out of the depth of Antiquity: beautified with Maps of the severall Shires of *England*, written by *William Camden* *Clarenceux K. of A.* in folio.

3. An History of the Civill Warrs of *England*, between the two Houses of *Lancaster* and *York*, beginning in the Reign of *Richard* the second, and ending in the Reign of *Henry* the seventh, written in Italian by *Sir Fra. Biondi*, Englished by *Hen. Earl of Monmouth*, in folio.

4. The Roman History of *Amianus Marcellinus*, translated into English, by *Philemon Holland*, Doctor in Physick, in fol.

5. The Annals and History of *Cornelius Tacitus*, with the notes of *Sir Henry Savile*, in folio.

6. Discourses upon *Cornelius Tacitus*, written in Italian by *Marquis Virgilio Malvezzi*, translated by *Sir Richard Baker* in folio.

7. The Life and Reign of King *Henry* the Eighth, written by *Edward Lord Herbert of Cherbury*, in folio.

8. The History of the Houses of *Douglas* and *Angus*, written by *Mr. David Hume*, in fol.

9. The Siege of *Breda*, written in Latine by *Herman Hugo*, translated into English by *Collonel Henry Gage*, in folio.

10. The History of the Councell of *Trent*, written in Italian by *Pietro Soave Polano*, translated by *Sir Nathanael Brent*.

11. The same in Latine.

12. The

12. The Theatre of Gods Judgements, collected out of Sacred, Ecclesiasticall, and Pagan Histories, by Doctor *Thom. Beard*, and Doctor *Tho. Taylor*, in fol.

13. A French-English Dictionary, Compiled by Master *Randle Cotgrave*, with another in English and French, in folio.

14. *Regiam Majestatem*. A Collection of the old Lawes and Constitutions of Scotland, from King *Malcome* the second, to King *James* the first, by Sir *John Shene*, in fol.

15. The same in Latine.

16. Enquiries touching diversity of Languages and Religions, through the chiefe parts of the world, written by *Edward Brexewood*, in quarto.

17. The History of the Quarrels of Pope *Paul* the fifth, with the State of *Venice*, written in Italian by the Author of the History of the Councell of *Trent*, and Translated by Doctor *Christopher Potter*, in quarto.

18. A briet Discourse of the *New-found-Land*, with the Situation, temperatire, and commoditie thereof, in quarto.

19. Of Supremacy in Affaires of Religion, by Sir *John Hayward*.

20. Considerations touching a war with *Spain*, written by *Francis Lord Vernalam*, Viscount *St. Alban*, in quarto.

21. The Life of *Jacob Boehmen*, vulgarly called the *German Prophet*, in quarto.

22. *Almansir*, the learned and victorious King, that conquered *Spain*, his Life and Death, published by *Robert Ashley* out of *Oxford Library*, in quarto.

23. The Epistle congratulatory of *Lysimachus Nicæor* of the *S. of Jesus* to the Covenanters in *Scotland*, paralleling their harmony in Doctrine and practise, in quarto.

24. The Poor Vicars Plea, declaring that a competency of means is due to them out of the Tythes of their severall Parishes, notwithstanding the Impropriations, written by *Thomas Ryves*, Doctor of Law, in quarto.

25. A Collection of some moderne Epistles of *Monsieur de Balzac*, carefully translated out of French, being the fourth and last Volume, in octavo.

26. A

26. The History and Relation of the bloody Massacre at *Paris*, and in other places in *France*, 1572. in Twelves, 1651.

27. The Free-School of Warre, a Treatise, whether it be lawfull to bear Arms for the service of a Prince of a divers Religion, in quarto.

28. Instructions for Musters and Arms, and the use thereof, in quarto.

29. The Key of the Mathematiques new filed, with the Resolution of adaffected Equations, the rule of compound Usury, and false position, and the Art of Geometricall Dialling, in octavo.

30. The same in Latine.

31. A Generall Treasury of Accounts, for all Countries in Christendome, made by *William Colson* of *London*.

32. Accounts of Merchandize ready computed, also, Tables for measuring of Timber, Boord, Glasle, and Land, enlarged and corrected, by *John Penkethman*, in twenty fours.

33. The Merchants *Avizo*, necessary for their Sons and Servants, when first sent beyond Sea, in quarto.

34. *Mythagogus Poeticus*, or the *Muses Interpreter*, explaining the historicall Mysteries, and mysticall Histories, of the Ancient Greek, and Latine Poets, written by *Alexander Rosse*, in octavo.

35. Observations on that (in its kind) eminent Petition presented to the Commons in Parliament, September 11. 1648. in quarto.

36. A Perfect platforme of an Hoggarden, and Instructions for the making and maintenance thereof, with Notes and Rules for reformation of all abuses commonly practised therein; written by *Reynold Scot*, in quarto.

37. The Problems of *Aristotle*, with other Philosophers and Physitians, containing question and answers, touching the estate of mans body, in octavo.

38. Child-birth, or the happy delivery of women, setting down the government of women, in their breeding, travell, and lying in, in quarto.

39. The Marrow of Physick; written by *Tho. Brugis*, in quarto.

40. *Phar-*

40. *Pharmacopœa*, cui adjecta sunt *Paraphrasis*, & *miscendorum medicamentorum modus*, scripta à Bricio Eauderono, huic accedunt Jo. du Boys *Pharmacopœi Parisiensis observationes in methodam miscendorum medicamentorum*, in fol.

41. *Observationes Medicæ*, de affectibus omissis, Authore Arnaldo Bootio, Med.D. in duodecimo.

42. *Angliæ Flagellum*, seu *Tabes Anglica*, Authore Theophilo de Garancieres, D. Medico, in duodecimo.

43. *A Sure Guide to the French tongue*, teaching to pronounce French naturally, to read it perfectly, to write it truly, and to speak it readily, by Paul Cognau, in octavo, 1651.

44. *Lettres sur la mort de quelques Personnes en qualite & en Merite*, tant de l'une, que de l'autre Sexe, par Charles de Beauvais, in octavo.

45. *Animadversions on Mr. Seldens History of Tythes*, and his Review thereof, by Richard Tillestry, Doctor in Divinity, in quarto.

Poetry and Playes.

1. *Godfrey of Boulogne*, or the Recovery of *Jerusalem*, done into English heroicall verse, by Edward Fairfax, Gent. with the life of the said Godfrey, in fol.

2. The crown of all Homers works, *Eutrachomyomachia*, or the battell of Frogs and Mice, his Hymns and Epigrams, Translated by George Chapman, in folio.

3. The Hierarchy of the blessed Angels; their Names, Orders, and Offices, the fall of *Lucifer*, with his Angels, written by Tho. Heywood, in fol.

4. *Orlando Furioso*, in English heroicall Verse, by Sir John Harrington, with addition of the Authors Epigrams, in fol.

5. *Leoline and Sydanis*, a Romance of the Amorous adventures of Princes, in quarto.

6. The young mans Looking-glasse, *Bacchus Banner display'd*, Characters, and Epigrams, written by Richard Watts.

7. The

7. The most pleasant History of *Albino* and *Bellama*, by N.W. in twelves.

8. *Analeſta Poëtica Græca-Latina*, or capping of Verſes Greek and Latine, in twelves.

9. *Horatius de Arte Poetica*, Engliſhed by B. *Johnson*, An Execration againſt *Vulcan*. The Mask of Gypſies, and Epigrams, by the ſame Author, in twelves.

10. The Conſtant Maid, A Comedy, written by *James Shirley*.

11. *St. Patrick* for Ireland, the firſt part, written by *James Shirley*.

12. *Landgartha*, a Trage-Comedy, written by *Henry Burnel*.

Books for Schooles, and the Univerſity.

1. *Antonii Ruuio Commentarii in univerſam Ariſtotelis Dialetticam*, in quarto.

2. *Thomæ Luſhingtonii Logica Analytica*, de Principiis, Regulis, & uſu rationis rectæ, in octavo.

3. *Elementa Logicæ*, Autore *Edouardo Brerewood*, in duodecimo.

4. *Aditus ad Logicam*, Autore *Samuele Smith*, in duodecimo.

5. *Inſtitutionum Peripateticarum*, ad mentem Summi viri *Kenelmi Equitis Dygbæi*, pars Theorica, Item appendix Theologica, de Origine Mundi; Authore *Thoma Anglo*, in duodecimo.

6. *Franciſci Baconi*, de Sapientia veterum Liber, in duodecimo.

7. *Amilii Porti Diſtionarium Ionicum & Doricum Græco-Latinum*, in octavo.

8. *Lexicon Græco-latinum*, in N.T.Dom.noſtri *Jeſu Chriſti*, Autore *Georgio Paſore*, in octavo.

9. *Novum Teſtamentum Dom.noſtri Jeſu Chriſti*, Græcum, Cantabrigiæ, in octavo.

10. Idem, notis *Roberti Stephani*, *Joſephi Scaligeri*, & *Iſaaci Caſauboni*, in octavo.

11. *Novum*

11. *Novum Testamentum Latinum Theodoro Beza Interprete, in duodecimo.*

12. *Elementaria Traditio Christianorum Fidei, aut catechismus, Græc. Latin. per Tuss. Berchetum, in octavo.*

13. *Paraphrasis Psalmorum Davidis Poetica, Autore Georgio Buchanano, in duodecimo.*

14. *Particulæ Latine Orationis, collectæ, dispositæ, & confabulationunculis digestæ, Autore J. Hawkins Med.D. in octavo.*

15. *A brief Introduction to Syntax, shewing the use, grounds and reason of Latin construction, collected out of Nebrissa his Spanish copy, with the Concordance, supplied by John Hawkins Med.D. in octavo.*

16. *Jo. Casa Galateus seu de morum honestate, & Elegantiâ, notis Nath. Chylinæ, in octavo.*

17. *Isocratis Orationes & Epistolæ, Græc. Lat. Interlineat. in octavo.*

18. *Analecta Poetica Græca-latina, or capping of Verses Greek and Latin.*

19. *Æschinis contra Cresiphontem, & Demosthenis pro Corona Orationes à Johanne Sturmio illustratæ, Græcè, in octavo.*

20. *Homeri Ilias, id est de rebus ad Troiam gestis Græc. Lat. in octavo, Cantabrigiæ.*

21. *M. Fabii Quintiliani Institutionum Oratoriarum libri 12, accesserunt Quintilianorum Declamationes, Dan. Pareo editi, in octavo.*

22. *Synonimorum Sylva olim à Simone Pelegromo collecta, nunc H. F. emendata & Aucta, in octavo.*

23. *Calliopeia, or a Rich Storehouse of proper choice and elegant Latine words and phrases collected chiefly out of Tullies Works, by Thomas Drax, in octavo.*

24. *Bibliotheca Scholastica Instructissima, or a Treasure of ancient Adagies and Proverbs collected out of the English, Greek, Latin, French, Italian and Spanish, published, by Tho. Drax, in octavo.*

25. *An easie Entrance to the Latine tongue, containing the Grounds of Grammar, and their Examination; 2. A vocabulary of common words, English and Latin. 3. Examples applicable to the Rules of Concordance and construction. 4. Collections out of the lowest School*

School Authors. 5. More elegant expressions for children. 6. The first principles of Christianity; by Charles Hoole School-master in London, in twelves, 1651.

26. A little Vocabulary English and Latin, for the use of little children that begin to learn the Latin tongue, by Charles Hoole, in twelves, 1651.

27. *Alexandri Koffei Isagoge Grammatica, in Gratiam illorum qui nolunt memoriam multis & longis regulis gravari concinnata, in octavo.*

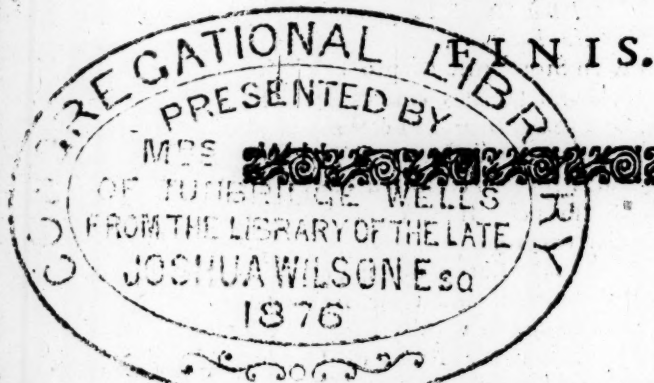
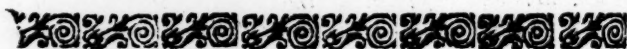
28. *Jodoci Stimpelii Parnassus Epithetorum, Singula Ravisi, multaq; Prosodie Smetii, Epitheta vario metro pro Studiosis, versus eleganter extempore sine epithetorum quantitatis errore Scripturis, inclusa continens, in duodecimo, 1651.*

29. *Quinti Horatii Flacci Poemata, Scholiis sive annotationibus Joannis Bond illustrata, in octavo.*

30. *Publii Ovidii Nasonis Metamorphoseon, libri 15. notis Tho. Farnabii illustrati, in octavo.*

31. *Angeli Caninii Hellenismus, copiosissimi Græcarum latinarumq; vocum Indicis accessione per Cavolum Hanboesum locupletatus, in octavo, 1651.*

31. *Riders Dictionary English and Latin, and Latin and English enlarged, by Francis Holy-Oke, in quarto.*



W. H. ... 57 51
 180 ... 108

W. H. ...
 112

¹⁸⁰
 Geneva 303
 Morelius 195